

Also, petition of The Journal, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Pennsylvania, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Charles Shafer and others, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of Brotherhood of Railway Trainmen, favoring restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Group 8, Pennsylvania Bankers' Association, for permission to loan to one person 10 per cent of capital stock and surplus—to the Committee on Banking and Currency.

Also, petition of The Typothetæ of New York City, against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of National Wholesale Druggists' Association, for modification of certain terms in the pure food and drug bill—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of citizens of Monroe, Wis., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Paper to accompany bill for relief of John W. Vandine—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of St. Paul Credit Men's Association, against repeal of bankruptcy law and for Palmer amendment—to the Committee on the Judiciary.

Also, petition of congregation of House of Hope Church, St. Paul, Minn., for modification of present Chinese-exclusion law—to the Committee on the Judiciary.

By Mr. FULKERSON: Petition of The Argus, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GAINES of West Virginia: Petitions of Union Council, No. 5, Daughters of Liberty, Charleston, W. Va.; Mount Pleasant Council, Order of United American Mechanics; R. E. Pendell and 54 others, of Kanawha County, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GARRETT: Paper to accompany bill for relief of Roland Johnson—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Henry A. Dreer, of Philadelphia, against free-seed distribution—to the Committee on Agriculture.

Also, petition of Monday P. M. Club, Passaic, N. J., for forest reservations in White Mountains—to the Committee on Agriculture.

Also, petition of Woman's Club of Orange, N. J., for appropriation for playgrounds in the District of Columbia for children—to the Committee on the District of Columbia.

Also, petition of Monday P. M. Club, of Passaic, N. J., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON: Paper to accompany bill for relief of Henry C. Easler—to the Committee on Pensions.

By Mr. JONES of Washington: Petition of citizens of Washington, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY: Paper to accompany bill for relief of Horace Olmsted—to the Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of heirs of Rachel C. Hamilton and Terul Hamilton, Floyd County, Ga—to the Committee on War Claims.

By Mr. LINDSAY: Petition of W. H. Lundquist Company, for bill H. R. 5281, repealing the present unjust pilotage laws—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Curtis Brothers Lumbering Company, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Robert R. Sizer & Co., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Thomas L. Vickers, against bill H. R. 5281, repealing the present unjust pilotage laws—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: Petition of citizens of Maine, Free-town Grange, and C. F. Tripp et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Petition of citizens of Van Dyke, Juniata County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MARTIN: Petition of citizens of South Dakota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PERKINS: Petition of the Evening Times, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PUJO: Paper to accompany bill for relief of Mary A. Riley—to the Committee on Pensions.

By Mr. SIMS: Petition of Charles E. Wills et al., Paris, Tenn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of Credit Men's Association, St. Paul, against repeal of bankruptcy law and for the Palmer amendment—to the Committee on the Judiciary.

Also, petition of citizens of St. Paul, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of St. Paul, Minn., for certain modifications of the present Chinese-exclusion law (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Foreign Affairs.

By Mr. RIVES: Paper to accompany bill for relief of Richard Isaacs (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. RYAN: Petition of Japanese and Korean Exclusion League, for Chinese-exclusion law as it is—to the Committee on Foreign Affairs.

By Mr. TAYLOR of Ohio: Petition of J. M. Wills Woman's Relief Corps, No. 66, and others, in support of bill H. R. 14610—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Petition of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. TOWNSEND: Petition of Webster (Mich.) Farmers' Club, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TYNDALL: Petition of citizens of Missouri, against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of The Typothetæ of New York City, against the anti-injunction bill—to the Committee on the Judiciary.

By Mr. VAN WINKLE: Petition of Monday P. M. Club, Passaic, N. J., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Club of Orange, N. J., for appropriation for children's playgrounds for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Monday P. M. Club, of Passaic, N. J., for forest reservations in White Mountains—to the Committee on Agriculture.

Also, petition of Henry A. Dreer, of Philadelphia, against free-seed distribution—to the Committee on Agriculture.

Also, petition of E. P. Reschhelm & Co., against free seeds—to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Petition of Monday P. M. Club, of Passaic, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Monday P. M. Club, of Passaic, for forest reservations in White Mountains—to the Committee on Agriculture.

Also, petition of citizens of Boundbrook, N. J., and Camp No. 7, Patriotic Order Sons of America, for bill H. R. 15442—to the Committee on Immigration and Naturalization.

Also, petition of Woman's Club of Orange, N. J., for appropriation to establish playgrounds in the District of Columbia—to the Committee on the District of Columbia.

By Mr. YOUNG: Petition of 19 prominent business firms of the Twelfth Michigan district, against the passage of the free-alcohol bill—to the Committee on Ways and Means.

Also, petition of citizens of Iron River, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

MONDAY, April 2, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last; when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

GRAHAMS ISLAND, NORTH DAKOTA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs calling attention to an agreement with the Turtle Mountain band of Chippewa Indians, and transmitting a draft of a bill to restore to the public domain a part of an abandoned military reservation known as "Grahams Island," in Devils Lake, North Dakota; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ROCK CREEK PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 26th ultimo, a statement setting forth the parcels of land to be acquired as an addition to Rock Creek Park, with the respective areas, names of owners, assessed valuation, and amount of taxes paid thereon; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

ORDINANCE OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a certified copy of an ordinance enacted by the executive council of Porto Rico on March 16, 1906, granting to Messrs. Eugui & Co. the right to take and use 40 liters of water per second from the Gurabo River for industrial purposes; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

GEORGIA RAILROAD AND BANKING COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 23d ultimo, the report by the Auditor for the Post-Office Department in the case of the Georgia Railroad and Banking Company for services rendered by it, under the name of the Georgia Railroad Company, for carrying the United States mails on certain routes in Georgia prior to May 31, 1861, together with a statement of the amount due the railroad company from the records of the Auditor's office; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MINERAL LAND PATENTS IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of the General Land Office recommending that section 2325 of the Revised Statutes be amended by adding thereto a provision relating to adverse claims against applicants for mineral patents in the district of Alaska; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

SECOND INTERNATIONAL PEACE CONFERENCE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation to enable the Government of the United States to participate in the Second International Peace Conference; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

SURVEYS IN SAN DIEGO COUNTY, CAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for incorporation in the urgent deficiency appropriation bill for the completion of resurveys in San Diego County, Cal., authorized by the act of Congress of July 1, 1902, including the surveying out by metes and bounds of all valid claims of record up to March 31, 1906, \$20,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Athénais Chrétien le More, administratrix of Félicité Neda Chrétien, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PRESERVATION OF NIAGARA FALLS.

The VICE-PRESIDENT. On March 27 the Chair laid before the Senate a message from the President of the United States, transmitting the report of the American members of the International Waterways Commission, regarding the preservation of Niagara Falls, which was referred to the Committee on Foreign Relations. Since that time a map to accompany the report has been received, which, if there be no objection, will be referred to the Committee on Foreign Relations to accompany the message and report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 2872. An act for the relief of the French Trans-Atlantic Cable Company; and

S. 4130. An act to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 4825. An act to provide for the construction of a bridge across Rainey River, in the State of Minnesota;

S. 5181. An act to authorize the construction of a bridge across the Snake River between Whitman and Columbia counties, in the State of Washington;

S. 5182. An act to authorize the construction of a bridge across the Columbia River between Franklin and Benton counties, in the State of Washington; and

S. 5183. An act to authorize the construction of a bridge across the Columbia River between Douglas and Kittitas counties, in the State of Washington.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 20. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee; in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greenville, and for other purposes;

H. R. 1142. An act for the relief of Ephraim Greenawalt;

H. R. 1572. An act for the relief of Thomas W. Higgins;

H. R. 1738. An act for the relief of Sarah A. Clapp;

H. R. 1863. An act for the relief of M. A. McCafferty;

H. R. 2996. An act to reimburse Capt. Sidney Layland for sums paid by him while master of the U. S. transport *Mobile* in July and August, 1898;

H. R. 3459. An act for the relief of John W. Williams;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 5217. An act for the relief of Agnes W. Hills and Sarah J. Hills;

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 5927. An act for the relief of the board of trustees of West Tennessee College, Jackson, Tenn.;

H. R. 6530. An act for the relief of David C. McGee;

H. R. 6675. An act for the relief of the Methodist Church at Newhaven, Ky.;

H. R. 6837. An act for the relief of Carl F. Kolbe;

H. R. 6982. An act for the relief of James W. Jones;

H. R. 7670. An act for the relief of the legal representatives of the estate of Benjamin Lillard, deceased;

H. R. 7979. An act for the relief of J. B. Orbison;

H. R. 8952. An act for the relief of the trustees of Weir's Chapel, Tippah County, Miss.;

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;

H. R. 9877. An act for the relief of James P. Barney;

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased;

H. R. 10233. An act for the relief of John S. Logan;

H. R. 10605. An act for the relief of Edward F. Stahle;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb;

H. R. 11108. An act for the relief of Benjamin F. King;

H. R. 11976. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico;

H. R. 12252. An act for the relief of heirs at law of Massalon Whitten, deceased;

H. R. 14206. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 14541. An act for the relief of C. R. Williams;

H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902; and

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Subsequently the foregoing claims bills were severally read twice by their titles, and referred to the Committee on Claims.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 5954. An act to authorize the Secretary of the Treasury to issue duplicate gold certificate, in lieu of one lost, to Lincoln National Bank, of Lincoln, Ill.;

H. R. 16671. An act permitting the building of a dam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich.;

H. R. 14808. An act authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.; and

H. J. Res. 11. Joint resolution for the publication of eulogies delivered in Congress on Hon. JOHN W. CRANFORD, late a Representative in Congress.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PLATT. I present a concurrent resolution of the legislature of New York, relative to the adoption of an amendment to the Constitution to prohibit polygamy. I ask that the concurrent resolution be read, and referred to the Committee on the Judiciary.

There being no objection, the concurrent resolution was read, and referred to the Committee on the Judiciary, as follows:

STATE OF NEW YORK,
In Senate, Albany, March 1, 1906.

Whereas it appears from the investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several States thereof, and

Whereas the practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Resolved (If the assembly concur). That application be and hereby is made to Congress, under the provisions of article 5 of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited and Congress shall be given power to force such prohibition by appropriate legislation.

Resolved. That the legislatures of all other States of the United States, now in session or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further. That the secretary of state be and he hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

By order of the senate:

LAFAYETTE B. GLEASON, Clerk.
IN ASSEMBLY, March 2, 1906.

Concurred in without amendment.

By order of the assembly:

A. E. BAXTER, Clerk.

STATE OF NEW YORK,
Office of the Secretary of State, ss:

The foregoing is a true copy of a concurrent resolution of the senate and assembly of the State of New York, filed in this office March 6, 1906.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 20th day of March, in the year 1906.

[SEAL.]

JOHN F. O'BRIEN,
Secretary of State.

Mr. PLATT presented a petition of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., praying for the enactment of legislation to remove discriminations against American sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a memorial of Local Division No. 148, Amalgamated Association of Street and Electric Railway Employees of America, of Albany, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Local Council No. 29, Daughters of Liberty, of Utica, N. Y., and a petition of Empire Council No. 28, Junior Order of United American Mechanics, of Greenport, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of Hannah Dustin Council, No. 9, Daughters of Liberty, of Franklin, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of Local Division No. 397, Amalgamated Association of Street and Electric Railway Employees of America, of Berlin, N. H., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented the petition of John C. Young, of Lakeport, N. H., praying for the enactment of legislation to remove the duty on denatured alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Coos County National Bank of Groveton, N. H., praying for the enactment of legislation to continue the appropriation for the transportation of silver coin; which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Club of Derry, N. H., and a petition of the Study Club of Whitefield, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented the petition of Arthur F. Stone, of St. Johnsbury, Vt., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East End Suburban Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the extension of M street east of Bladensburg road in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., praying for the enactment of legislation to repeal pilotage discriminations against sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a petition of the Council of the Civic Center, of Washington, D. C., praying for an investigation into the efficiency of the filtration plant in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Westchester Woman's Club, of Mount Vernon, N. Y., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented petitions of the Woman's Club of Derry, the Study Club, of Whitefield, and the Woman's Club of Henniker, all of the General Federation of Women's Clubs, in the State of New Hampshire, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

He also presented a memorial of Local Division No. 397, Amalgamated Association of Street and Electric Railway Employees of America, of Berlin, N. H., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Granite State Lodge, No. 235, Brotherhood of Railroad Trainmen, of Manchester, and of Hannah Dustin Council, No. 9, Daughters of Liberty, of Franklin, in the State of New Hampshire, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of Tahanto Division, No. 335, Brotherhood of Locomotive Engineers, of Concord, N. H., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petition of John C. Young, of Lakeport, N. H., praying for the removal of the internal-revenue tax on denatured alcohol; which was referred to the Committee on Finance.

Mr. FULTON presented memorials of sundry citizens of Portland, Oreg., remonstrating against the enactment of legislation to prohibit the coming of Chinese laborers into the United States, and for other purposes; which were referred to the Committee on Immigration.

Mr. BEVERIDGE presented a petition of the congregation of the Broadway Methodist Episcopal Church, of Logansport, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Local Union No. 331, American Federation of Musicians, of Rochester; of Local Union No. 366, American Federation of Musicians, of Vincennes, and of Local Union No. 58, American Federation of Musicians, of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Mount Vernon, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Club of Anderson, of the Woman's Club of Westfield, and of the Tuesday Club of

Kendallville, all in the State of Indiana, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a memorial of the Logansport Humane Society, of Logansport, Ind., remonstrating against the enactment of legislation to extend the time in the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Indiana Grain Dealers' Association, of Indianapolis, Ind., praying for the enactment of legislation relating to bills of lading issued by carriers for the interstate transportation of property; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., praying for the enactment of legislation to repeal pilotage discriminations against sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a petition of Hope Grange, No. 2, Patrons of Husbandry, of Aurora, Ind., praying for the enactment of legislation to remove the duty on denatured alcohol; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Muncie, of the Associated Charities of Anderson, and of Reddington Lodge, No. 281, Knights of Pythias, of Reddington, all in the State of Indiana, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. KEAN presented petitions of Pride of Hornerstown Council, No. 77, of Hornerstown; of Equity Council, No. 112, Daughters of Liberty, of Newark; of Independent Council, No. 131, Daughters of Liberty, of New Gretna; of Pride of Loyal America Council, No. 128, Daughters of Liberty, of Hoboken, and of Mary J. Hunt Council, No. 98, Daughters of Liberty, of Millville, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of the Woman's Club of Englewood; of the All Round Club, of Montclair; of the Woman's Club of Upper Montclair, and of the Ratores Club, of Plainfield, all in the State of New Jersey, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of sundry citizens of St. Paul, Minn., praying for the adoption of an amendment to the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Cedar River Lodge, No. 283, Brotherhood of Railway Trainmen, of Austin, Minn., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the Credit Men's Association, of St. Paul, Minn., remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Library.

Mr. BRANDEGEE presented a petition of Stephen Charters and sundry other citizens of Ansonia, Conn., praying that an appropriation be made for the erection of a monument to the memory of the late Commodore John Barry; which was referred to the Committee on the Library.

He also presented a petition of the National Wholesale Lumber Dealers' Association, of New York, N. Y., praying for the enactment of legislation concerning pilotage discriminations against American sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented petitions of the Monday Club of New Milford; of the Current Events Club, of Bethel, and of the Women's Club of Cheshire, all in the State of Connecticut, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

He also presented petitions of Lady Unity Council, No. 51, of Southington; Olive Branch Council, No. 41, of New Canaan; Lady Wooster Council, No. 11, of Danbury; Loyalty Council, No. 52, of Somers, and of Perseverance Council, No. 33, of New Haven, all of the Daughters of Liberty, in the State of Connecticut, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. DOLLIVER presented a petition of the congregation of Unity Church, of Decorah, Iowa, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. OVERMAN presented a petition of sundry citizens of Brunswick County, N. C., praying that an appropriation be

made for the improvement of the Shallotte River, in that State; which was referred to the Committee on Commerce.

He also presented a petition of Myrtle Council, No. 3, Daughters of Liberty, of Davidson, N. C., and a petition of Unionville Council, No. 59, Junior Order United American Mechanics, of Sandy Bottom, Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. LONG presented sundry papers to accompany the bill (S. 5219) granting an increase of pension to David N. Morland; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3272) granting an increase of pension to John Hirth; which were referred to the Committee on Pensions.

Mr. RAYNER (for Mr. GORMAN) presented sundry papers to accompany the bill (S. 4155) for the relief of Samuel H. Walker; which were referred to the Committee on Claims.

Mr. KITTREDGE presented a petition of the Federation of Women's Clubs of Faulkton, S. Dak., and a petition of the Federation of Women's Clubs of Whitewood, S. Dak., praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

Mr. TILLMAN presented a petition of the presidents of the commercial bodies of Charleston, S. C., praying for the enactment of legislation providing for an increase of the United States Coast Artillery forces by an addition of 4,970 men; which was referred to the Committee on Military Affairs.

DISCRIMINATION IN RAILWAY RATES.

Mr. TILLMAN. Mr. President, I send to the desk a letter from a firm of Richmond bankers, accompanied by a memorandum, in regard to railroad rate discrimination. I do this in pursuance of the policy suggested by a Senator that we need light along this line. I ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the communication.

The paper was read, and ordered to lie on the table, as follows:

JOHN L. WILLIAMS & SONS,
Richmond, Va., March 29, 1906.

Hon. B. R. TILLMAN,
Washington, D. C.

DEAR SIR: I inclose herewith memorandum showing gross discrimination by Pennsylvania Railroad against Richmond and eastern Virginia points in favor of Baltimore and Philadelphia. This is done as the result of the dominating influence and practically controlling influence which the Pennsylvania exercises over the Norfolk and Western and the Chesapeake and Ohio, which dominating influence is really a controlling influence.

It is a matter of common knowledge that President Stevens, of the Chesapeake and Ohio, and President Johnson, of the Norfolk and Western, receive their instructions from the president of the Pennsylvania Railroad, or from the directors of the Pennsylvania Railroad, who are also directors in the Norfolk and Western and the Chesapeake and Ohio. The information I inclose to you is of special interest to Senator SCOTT and Senator ELKINS, of West Virginia.

Yours, very truly,

L. M. WILLIAMS.

[Extract from the News Leader, January 8, 1906.]

DISCRIMINATION AGAINST RICHMOND.

Various Richmond manufacturers must have been amused by Maj. James H. Dooley's letter protesting against regulation of railroad freight rates by Government commission, printed here last week. Major Dooley argued that the commission, if created, will be composed chiefly of northern and western men, and that they will discriminate against the South and deprive southern cities of advantages in freight rates which they now enjoy.

Virginia people, and especially Richmond people, will judge of this matter by what they see and know under their own eyes. The Chesapeake and Ohio road charges the Richmond manufacturer \$1.00 per ton of 2,000 pounds from New River and \$1.70 from Kanawha. Philadelphia and Baltimore have a rate of \$1.38 per ton, a difference in their favor of 22 cents on every ton of coal hauled. If a Richmond manufacturer uses 20,000 tons of coal a year this makes an absolute difference against him of \$8,000 in hard cash, which is equivalent to 4 per cent on \$200,000 invested. The same road gives rates to Backbone and Covington of 65 cents from New River and 75 cents from Kanawha, and to Low Moor, Longdale, and Iron Gate rates of \$1 and \$1.10. At these points the Chesapeake and Ohio discriminates in favor of the large consumer, what may be called the wholesale purchaser, to the extent of 30 or 40 cents per ton against the comparatively small purchaser for domestic use. In Richmond the largest consumers, the manufacturers, are given no advantage over the small consumers. What favoritism is shown is given to the other railroads. Our information is that the Chesapeake and Ohio gives all the other railroads, including even the Farmville and Powhatan, a rate of \$1.25 from New River and \$1.35 from Kanawha, while exacting \$1.60 and \$1.70 from our manufacturers.

So far from gaining an advantage from the improved facilities and equipments of the railroads Richmond actually has been made to suffer from them. In 1899 we paid here \$1.65 per ton of 2,240 pounds from the Kanawha district. Now we pay \$1.70 per ton of 2,000 pounds, which is equivalent to \$1.90 per ton of 2,240 pounds, a net advance since 1899 of 13 1/2 per cent.

The discrimination against Richmond is not only a wrong done this city, but it is distinctly illegal. It is continued in the very teeth of the decision of the Interstate Commerce Commission in the case of the City Gas Company, of Norfolk, against the Baltimore and Ohio Rail-

road, decided last October. This is a case, which, as we understand law, would come directly under the supervision and regulation of a Government commission. Enforcement of proper rates would be worth scores of thousands of dollars to the city of Richmond in the direct saving of money paid out for freight and coal, and many scores of thousands more by enabling her to meet the competition of other cities on equal terms and to offer inducements to new manufacturing establishments to come here.

In the face of a showing like this, it is hard to understand how Major Dooley can argue that the railroad companies are treating the South so well that interference with them and regulation of their rates would be likely to injure this section.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 17359) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that I shall ask the Senate to take up the bill to-morrow morning.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3720) granting an increase of pension to Smith Vaughan;

A bill (S. 4193) granting an increase of pension to Calvin D. Wilber; and

A bill (S. 834) granting an increase of pension to Lucien W. French.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3555) granting a pension to Alice A. Fray;

A bill (S. 1692) granting a pension to Ellen H. Swayne;

A bill (S. 5355) granting an increase of pension to Annie M. Walker;

A bill (S. 3468) granting an increase of pension to Myra R. Daniels;

A bill (S. 5255) granting an increase of pension to John D. Cutler;

A bill (S. 4745) granting an increase of pension to Susan J. F. Joslyn; and

A bill (S. 5375) granting an increase of pension to Frances L. Porter.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3765) granting an increase of pension to Charles R. Frost;

A bill (H. R. 2034) granting a pension to Cora F. Mitchell;

A bill (H. R. 14855) granting an increase of pension to Henry C. Carr;

A bill (H. R. 15110) granting an increase of pension to John Green;

A bill (H. R. 11702) granting an increase of pension to Lucy A. Pender; and

A bill (H. R. 13866) granting an increase of pension to Isaac Place.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the war of the rebellion, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3119) granting an increase of pension to F. A. Beranek; and

A bill (S. 3883) granting an increase of pension to Ferdinand Hercher.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3549) granting an increase of pension to Martha H. Ten Eyck;

A bill (S. 2799) granting an increase of pension to Willis H. Watson;

A bill (S. 5205) granting an increase of pension to John F. Alsop;

A bill (S. 5114) granting an increase of pension to Lizzie B. Cusick;

A bill (S. 4231) granting an increase of pension to Owen Martin; and

A bill (S. 3551) granting an increase of pension to Solomon Jackson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 663) granting a pension to Joseph Ellmore;

A bill (S. 1691) granting an increase of pension to Alice S. Shepard;

A bill (S. 3130) granting an increase of pension to George B. Vollandigham;

A bill (H. R. 11804) granting an increase of pension to Patrick McDermott;

A bill (H. R. 12651) granting a pension to Louis Grossman;

A bill (H. R. 15622) granting an increase of pension to Argyle Z. Buck;

A bill (H. R. 15491) granting an increase of pension to James Buckley;

A bill (H. R. 16519) granting an increase of pension to Erwin G. Dudley;

A bill (H. R. 11622) granting a pension to Martha A. Remington;

A bill (H. R. 14337) granting an increase of pension to Gabriel Y. Palmer;

A bill (H. R. 14437) granting an increase of pension to Marquis M. De Burger;

A bill (H. R. 15029) granting an increase of pension to Sabine Vancuren;

A bill (H. R. 11076) granting a pension to Marion W. Stark; and

A bill (H. R. 11856) granting an increase of pension to Luke McLoney.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5192) granting a pension to John H. Stacy;

A bill (H. R. 13573) granting an increase of pension to Francis M. Ballew;

A bill (H. R. 9765) granting an increase of pension to John C. Anderson;

A bill (H. R. 1939) granting an increase of pension to William F. Limpus;

A bill (H. R. 12049) granting an increase of pension to Roland Havens;

A bill (H. R. 14559) granting an increase of pension to Henry West;

A bill (H. R. 14560) granting an increase of pension to Elizabeth Weston;

A bill (H. R. 14951) granting an increase of pension to James Nunan;

A bill (H. R. 11484) granting an increase of pension to Thomas H. Wilson; and

A bill (H. R. 11563) granting an increase of pension to John Henderson.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5189) granting an increase of pension to Margaret F. Joyce; and

A bill (H. R. 13572) granting an increase of pension to Saturnine Baca.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4112) granting an increase of pension to H. M. Swigart; and

A bill (S. 556) granting an increase of pension to William H. Egolf.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3273) granting an increase of pension to Abisha Risk;

A bill (H. R. 14909) granting an increase of pension to John W. Creager;

A bill (H. R. 14532) granting an increase of pension to Augusta N. Manson;

A bill (H. R. 15940) granting an increase of pension to James M. Carley;

A bill (H. R. 15536) granting an increase of pension to Henry H. Tillson;

A bill (H. R. 13803) granting an increase of pension to Henry H. Forman;

A bill (H. R. 13153) granting an increase of pension to George Budden;

A bill (H. R. 12122) granting an increase of pension to Robert G. Shuey;

A bill (H. R. 11866) granting an increase of pension to David H. Allen;

A bill (H. R. 11597) granting an increase of pension to George M. Apgar;

A bill (H. R. 14454) granting an increase of pension to William A. Blossom; and

A bill (H. R. 3569) granting a pension to Ada N. Hubbard.

Mr. FILES, from the Committee on Pensions, to whom was referred the bill (S. 3415) granting an increase of pension to William Triplett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4739) granting an increase of pension to Benjamin F. Burgess, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4018) granting an increase of pension to Ebenezer Lusk;

A bill (H. R. 14874) granting an increase of pension to William C. Hearne;

A bill (H. R. 14875) granting an increase of pension to Mary A. Witt;

A bill (H. R. 12241) granting an increase of pension to Elizabeth E. Barber;

A bill (H. R. 12498) granting an increase of pension to Charles F. Runnels;

A bill (H. R. 10747) granting an increase of pension to Jonathan Lingle;

A bill (H. R. 12992) granting an increase of pension to Henry G. Klink;

A bill (H. R. 14131) granting an increase of pension to Francis M. Simpson; and

A bill (H. R. 9813) granting a pension to Harriet P. Sanders.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1628) granting an increase of pension to Christian H. Goebel; and

A bill (S. 3178) granting an increase of pension to Daniel Shelley.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15553) granting an increase of pension to Susan H. Isom;

A bill (H. R. 6055) granting an increase of pension to Angeline Watson;

A bill (H. R. 14823) granting an increase of pension to William Woods;

A bill (H. R. 14824) granting an increase of pension to Samuel P. Newman;

A bill (H. R. 15059) granting an increase of pension to Alfred W. Morley;

A bill (H. R. 12532) granting an increase of pension to Zachariah George;

A bill (H. R. 12533) granting an increase of pension to Zadick Carter;

A bill (H. R. 14143) granting an increase of pension to Zacur P. Pott; and

A bill (H. R. 13255) granting an increase of pension to William J. Hays.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 1605) granting an increase of pension to Richard H. Lee, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5077) granting an increase of pension to Gabriel Cody, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15382) granting an increase of pension to Mary C. Moore;

A bill (H. R. 14489) granting an increase of pension to Peter C. Krieger;

A bill (H. R. 14547) granting an increase of pension to Thomas Chapman;

A bill (H. R. 14718) granting an increase of pension to Joseph A. Jones;

A bill (H. R. 15198) granting an increase of pension to Elizabeth J. Martin;

A bill (H. R. 11716) granting an increase of pension to Warren B. Tompkins;

A bill (H. R. 11868) granting an increase of pension to Joseph Dougal;

A bill (H. R. 13079) granting an increase of pension to James H. Griffin;

A bill (H. R. 13526) granting a pension to Levi N. Lunsford; and

A bill (H. R. 13537) granting an increase of pension to Elizabeth B. Busbee.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 5146) granting a pension to Mary J. McLeod, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5095) granting a pension to Jeremiah McKenzie; and

A bill (S. 5093) granting an increase of pension to Josiah F. Staubs.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 5094) granting an increase of pension to Samuel F. Baublitz, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4461) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 53) to provide for the abatement of nuisances in the District of Columbia, by the Commissioners of said District, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 47) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 14578) to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 59) authorizing the Commissioners of the District of Columbia to establish building lines, reported it with an amendment to the title, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom the subject was referred, submitted a report, accompanied by a bill (S. 5448) to authorize the construction, operation, and maintenance of a telegraphic cable from Key West, Fla., to the United States naval station at Guantanamo, Cuba, and from thence to the Canal Zone on the Isthmus of Panama; which was read twice by its title.

COURTS IN ALABAMA.

Mr. PETTUS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5215) to fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes, to report it favorably with amendments, and I ask unanimous consent that it be presently considered. It is a very short bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the Committee on the Judiciary were, in section 2, page 1, line 13, after the word "the," to strike out "justice" and insert "judge;" and on page 2, line 2, after the word "presiding," to strike out "justice" and insert "judge;" so as to make the section read:

SEC. 2. That whenever the judge for the northern district of Alabama deems it advisable, on account of disability or absence, or of the accumulation of business therein, or for any other cause, that said court should be held by the judge of some other district or circuit court, he shall, in writing, request the presiding judge for the fifth judicial circuit of the United States to assign a judge to hold the term or terms of said court.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF NEW ORLEANS.

Mr. FRYE. I move that the bill (S. 411) to extend the limits of the port of entry of New Orleans be recommitted to the Committee on Commerce.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5449) granting an increase of pension to Asher Drake;

A bill (S. 5450) granting an increase of pension to William T. Johnson; and

A bill (S. 5451) granting an increase of pension to Alexander C. Boner.

Mr. McCUMBER introduced a bill (S. 5452) granting an increase of pension to Thomas Armstrong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN (for Mr. DRYDEN) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5453) granting an increase of pension to Jacob M. Pickle; and

A bill (S. 5454) granting an increase of pension to Florence Livingston Millen Mentz.

Mr. BEVERIDGE introduced a bill (S. 5455) granting a pension to Emily J. Alden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5456) granting an increase of pension to Marcellus C. Cash; and

A bill (S. 5457) granting an increase of pension to Albert Teets.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5458) for the relief of Levi W. Stalnaker;

A bill (S. 5459) for the relief of the heirs of Abraham Parsons, deceased;

A bill (S. 5460) for the relief of the heirs of William Ewing, deceased;

A bill (S. 5461) for the relief of the heirs of Elias W. Phares, deceased;

A bill (S. 5462) for the relief of the heirs of Charles Ruffner, deceased;

A bill (S. 5463) for the relief of J. R. Clifford (with accompanying papers); and

A bill (S. 5464) for the relief of John Sharp and George Dickson (with accompanying papers).

Mr. MILLARD introduced a bill (S. 5465) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5466) for the establishment of a general depot of the Quartermaster's Department of the United States Army at Omaha, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5467) granting an increase of pension to David B. Simmons; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 5468) granting an increase of pension to John M. Whitehead; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5470) granting an increase of pension to Josephine S. Jones;

A bill (S. 5471) granting a pension to William A. Johnson (with accompanying papers);

A bill (S. 5472) granting a pension to T. J. Sparks (with accompanying papers);

A bill (S. 5473) granting an increase of pension to James S. Hardy (with accompanying papers);

A bill (S. 5474) granting an increase of pension to James H. Webb (with an accompanying paper); and

A bill (S. 5475) granting an increase of pension to William C. Clark.

Mr. TELLER introduced a bill (S. 5476) for the relief of

Lawrence T. Fetterman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5477) to provide for the purchase of a site and the erection of a public building thereon at Fort Collins, in the State of Colorado; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. FULTON introduced a bill (S. 5478) to provide for the purchase of a site and the erection of a building thereon at Eugene, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5479) granting an increase of pension to William M. Favorite; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEARIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5480) granting a pension to William P. Heydon; and

A bill (S. 5481) granting a pension to John Brown Williams.

Mr. OVERMAN introduced a bill (S. 5482) granting a pension to Martha Jane Goddard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5483) for the relief of Albert L. Scott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 5484) authorizing the Secretary of War to accept a tract of land at or near Greenville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5485) for the relief of the estate of Daniel B. Harold, deceased (with accompanying papers);

A bill (S. 5486) for the relief of Margaret E. Watkins, administratrix of Patrick Henry Watkins, deceased (with accompanying papers);

A bill (S. 5487) for the relief of the estate of Robert W. Smith, deceased (with accompanying papers); and

A bill (S. 5488) for the relief of the heirs of Hiram G. and Charlotte G. Robertson, deceased.

Mr. TALIAFERRO introduced a bill (S. 5489) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KNOX introduced a bill (S. 5490) for the relief of the estates of John McCloskey and John S. Cosgrave, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5491) to correct the military record of John Walkinshaw and grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. CULLOM. I introduce a joint resolution, which I hope may be acted upon without delay.

The joint resolution (S. R. 46) to fill a vacancy in the Board of Regents of the Smithsonian Institution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress shall be filled by the reappointment of Andrew D. White, a citizen of New York, whose term expires June 2, 1906.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ELKINS submitted an amendment proposing to increase the salaries of the present two assistants detailed by the Librarian of Congress for service at the Library Station in the Capitol to \$1,500 each, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which

was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$600 to pay J. F. Sellers, S. A. Maryman, and F. L. Thompson for extra services rendered to the Committee on Interstate Commerce of the Senate during the consideration of the hearings on the railway rate bill, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GAMBLE submitted an amendment relative to the use of the money due the estates of deceased colored soldiers of the late civil war, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate \$3,000 for the protection and improvement of the sanitarium spring at the Battle Mountain Sanitarium, Hot Springs, S. Dak., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the issuance of patents in fee simple to Moses N. Vandel and certain other Yankton Sioux Indians for land heretofore allotted to them, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 20. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee; in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greenville, and for other purposes; and

H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902.

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County, was read twice by its title, and referred to the Committee on Commerce.

PROPOSED ISLE OF PINES INVESTIGATION.

The VICE-PRESIDENT. The Chair invites the attention of the Senator from Alabama [Mr. MORGAN] to the resolution submitted by him, providing for the appointment of a committee to make a careful investigation into the condition, etc., of the Isle of Pines.

Mr. MORGAN. The Senator from Ohio [Mr. FORAKER] and myself have agreed that the resolution shall lie on the table until called up.

The VICE-PRESIDENT. The resolution will lie on the table.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon. The bill was considered as in Committee of the Whole and amended on the 26th of March, and went over in order that it might be printed as amended.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BAILEY. I do not know what is the exact nature of the bill; but I am rather inclined to think that I agree with the Senator upon it.

Mr. MALLORY. I do not believe there is anything at all in the bill that the Senator from Texas objects to.

Mr. BAILEY. Upon that statement, I am not going to delay it.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that House bill 12987, the unfinished business, be laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. BACON. Mr. President, I desire to present an amendment which I intend to offer to the pending bill. I ask that it may be read, printed, and lie on the table.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment.

The Secretary read as follows:

Insert the following:

"No rate or charge, regulation or practice prescribed by the Commission shall be restrained, set aside, suspended, or modified by any interlocutory or preliminary order or decree of the court, unless upon the hearing after such full notice to the Commission as herein prescribed, the same shall be considered and concurred in and ordered by at least two judges presiding in said hearing, at least one of whom shall be a judge of the circuit court of the United States or a circuit justice of the Supreme Court of the United States. In case any application, motion, or prayer for such interlocutory or preliminary order or decree shall be made by any party to such complaint other than the carrier or carriers to be affected by the rate or charge, practice or regulation in question prescribed by the Commission, then and in that case said carrier or carriers shall, before the hearing of said application, motion, or prayer, by appropriate order and process, be made a party or parties to the said complaint in equity to abide such orders and decrees as may be made by the court pending said cause and the final judgment and decree in the same. Upon the granting of any interlocutory or preliminary order or decree restraining, setting aside, suspending, or modifying any rate or charge, regulation or practice prescribed by the Commission, before said interlocutory or preliminary order or decree shall be operative or of any effect, the carrier, person, or corporation, other than a shipper or shippers, seeking such order or decree shall deposit in the registry of the court, and subject to the order thereof as hereinafter specified, the sum of \$50,000, either in lawful money of the United States or in lawful bonds of the United States at the par value thereof. It shall, in addition thereto, be the duty of the said carrier or carriers to be affected by the rate or charge, practice or regulation in question to pay into the registry of the court, subject to its order, the sums of money as herein specified, and to effectuate the same, at the time of granting such preliminary or interlocutory order or decree the court shall, by appropriate order, require the said carrier or carriers affected by the rate or charge, practice or regulation in question prescribed by the Commission to pay into the registry of the court and subject to its order, on or before the 10th day of each month pending the said interlocutory or preliminary order or decree, in lawful money of the United States, all money received by such carrier or carriers during the calendar month next preceding said date and subsequent to the date of filing said complaint from the collection made for all shipments upon the rates and charges in question in excess of the rates and charges as fixed and determined by the order of said Commission. On the said 10th day of each month there shall be filed in court by said carrier or carriers, through their duly authorized officer or officers, a statement under oath of the shipments on account of which said collections have been made, setting forth in detail the character and amounts of said shipments, the point of each shipment and of its destination, the names of the consignors and consignees, the amount collected from each for said shipment, and, separately, the excess collected as aforesaid, and the names of the persons from whom collected. The said court, at the time of granting said temporary or interlocutory order or decree, and in its discretion thereafter from time to time, shall require the said carrier or carriers to give such bond and security as may be deemed sufficient to insure the filing of said reports and the payment of said amounts, and in addition thereto shall, by the orders and processes of a court of equity, enforce summarily the prompt payment of said amounts into the registry of the court, from which orders of the court there shall be no appeal. Any refusal or failure to comply with said orders and to pay into the court the said sum of money as herein provided shall constitute a contempt of the court. For the purpose of said orders the court shall be deemed to be always in session. From said orders or decrees for the payment into court of the said amounts no appeal shall lie.

"If, upon the final decree in said cause, the rate or charge prescribed by the Commission shall be adjudged to be valid, the court shall by proper orders and decrees out of the said deposit or the proceeds of the sale thereof and the additional payments made into the court by the said carrier or carriers cause to be paid to each of the persons from whom collections have been made the several amounts paid by each of them to said carrier or carriers in excess of the said rate or charges prescribed by the Commission, with interest thereon from the date of each payment at the rate of 6 per cent per annum.

"If upon the final decree in said cause the rate or charge prescribed by the Commission shall be adjudged to be invalid and the enforcement of the same shall be enjoined, the court shall by proper orders and decrees direct to be paid over to the said carrier or carriers the sum of money thus theretofore deposited and paid into the registry of the court, less such amounts for costs as the court in its discretion, under the circumstances of any case, may, in justice and equity, deem to be reasonably chargeable to said carrier or carriers.

"Pending said cause, it shall be within the power of the court by appropriate proceedings, either in open court or through a master in chancery or commissioner, to examine into the correctness of the reports herein required to be made under oath by the said carrier or carriers, and to this end to examine under oath their officials and employees, and to require by order the production of the books and papers of said carrier or carriers.

"If, upon the said examination, it shall be adjudged that the said carrier or carriers have not made complete returns of all of said shipments and the amounts collected thereon, as herein specified, the court shall by order require the said carrier or carriers to pay into the registry of the court in lawful money of the United States the amount received on account of said shipments in excess of the amounts theretofore reported to the court."

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. FULTON. Mr. President, in discussing the pending measure I do not purpose entering upon any argument or attempt to prove either the necessity or the importance of additional legislation for the purpose of providing a wider and stricter regulation and control of the persons engaged or the instrumentalities employed in conducting commerce among the States. I assume that it is the consensus of opinion here, as it unquestionably is throughout the country, that legislation of such character is not only desirable, but necessary, and that we believe, as the people believe, the time has come when a more strict and systematic regulation and control of the great transportation lines of this country engaged in interstate commerce should be exercised by the Federal Government. This conviction in the public mind has been of slow growth, but it is the result of profound deliberation, thought, and study.

It would not be accurate to say that the suggestion of government control and regulation of rates, fares, and charges of transportation lines is a suggestion of a new governmental policy, because in truth it is a policy that has obtained in many of the States for a considerable period of time; it is a policy that was long since adopted by many of the leading countries of Europe, and is still adhered to in one form or another. That it is a problem replete with difficulties and perplexing questions, particularly in this country, with its wide area and vast internal commerce, is quite generally conceded. Hence it is not surprising that even among those who are most earnestly favoring legislation of this character there should be wide differences of opinion touching the methods to be employed, nor is it any impeachment of one's sincerity or zeal that his ideas upon a subject so fraught with difficulties and complex questions should not be in accord with the views or convictions of some other person or of many other persons. Nor should the public conclude that simply because the members of a legislative body, confronted with a great governmental policy or proposed policy such as this are disposed to move slowly in solving it, to study it from every possible point of view, that they are wanting in either earnestness or patriotism.

It is quite true, Mr. President, that there is a school of philosophers and magazine essayists who have discovered not the slightest difficulty in determining just exactly what should be done in this matter, and how it should be done. They do not admit that there is any excuse whatever for a moment's delay in the enactment of the legislation. I am frank to confess, Mr. President, that I am not so happily or fortunately constituted, nor am I sufficiently supplied with the quality of gray matter that is necessary to so ready and easy a solution of the grave governmental and constitutional questions which are presented by this inquiry.

I have given during the last several months such time as I have been able to spare to the study and investigation of a few only of the numerous questions involved, and I can not say that I have yet reached a perfectly satisfactory conclusion concerning all of them.

I do not expect, Mr. President, to be able to contribute a single original thought or suggestion to this discussion or to change or influence the views of any member of this body. I only hope to be able so to express my own views that I will have furnished a reasonably clear explanation of my motive for the votes that I shall cast during the progress of this legislation.

I hear Senators referred to on the one hand as railroad Senators and on the other hand as the foes or opponents of corporations. I sincerely trust that I am neither. I hope that I am a friend of railroads and of every other legitimate commercial and industrial enterprise. I would not knowingly cast a vote the effect of which would be to embarrass or cripple any legitimate industry or business. We are called upon, however, by legislation to regulate the conduct of individuals, and in a greater or less degree every character of business. That we find it necessary to exercise a higher degree of care and to provide for a wider control and regulation of so-called "public-service corporations" than of other business enterprises is due entirely to the fact that the relation of these corporations to the public is in a large degree that of governmental agencies, clothed in a great measure with governmental powers. But in enacting legislation of this character we must take care that we neither sacrifice the interests of the public, on the one hand, nor render it impossible, on the other hand, for those who have invested their money, their savings, and their earnings in these corporations to earn a just and reasonable compensation for the services that they perform. To do the one would be to prove false to the trust with which we are charged. To do the other would be at once to discredit ourselves and our country.

I have not the slightest patience with the cry that simply be-

cause a Senator favors this bill or that, or opposes this measure or that, he is necessarily and ipso facto the tool, the agent, or the representative of some peculiar or special interest. I am very confident that every Senator in this body in casting his vote upon this question, as upon every other, will so cast it as to represent, according to his best judgment and according to his conscience, the people whose duty it is for him to represent here. That there should be wide differences of opinion is not surprising. A man who comes from a purely commercial center is naturally imbued with ideas and convictions that prevail there; a man who comes from a manufacturing center is quite naturally influenced in a large measure in his convictions by the convictions that prevail there; and so a man who comes from an agricultural section is influenced largely by the views that are entertained there touching public questions and matters of legislation. Were this not true, we would not be representing our constituents. I make no pretense that my judgment is not influenced—I know it must be, though perhaps unknown to me influenced very largely—on questions of public policy by what seems to be the judgment and the wishes of the people I in part represent.

I honor the man, Mr. President, who has the courage of his convictions. It may be unpopular for the moment for him to advocate them, but I believe in the principle of eternal justice, and I believe that justice will ultimately prevail and the time will come when he will be recognized and honored because of the courage he displayed in standing for his convictions.

Mr. President, as I have said, I do not purpose entering into a discussion to show the importance of this character of legislation, nor do I purpose taking up the various and different provisions of this proposed act. The real primary purpose of this measure is to empower the Railway Commission when a rate shall be challenged, or when on investigation it shall determine that a rate or practice of a transportation company is unreasonable or unjust, to substitute therefor a just and reasonable maximum rate, or what it deems to be a just and reasonable regulation in lieu of that which has been established by the carrier. That is the prime object of this proposed legislation.

There are various provisions of the bill which are designed to aid in carrying out the main purpose, but the wording of those provisions will not become important until we shall have determined the principle upon which we shall legislate. The real controversy here, after all, is whether or not we shall provide in this bill for a judicial review of the orders of the Commission. There are some who contend that, as a matter of principle, a matter of justice, and a matter of right, there should be a broad and unlimited review by the courts. There are others who contend not only that a wise public policy requires such review, but that no bill will be in conformity to the Constitution that does not contain some such provision. On the other hand are those who contend that it is unnecessary to provide for a court review in the bill, because it is unwise, as a matter of public policy, to grant the right of review beyond what is necessary to protect the carrier in the enjoyment of his or its constitutional rights and privileges; and they contend that a law which is silent on the subject of review permits such review to the extent that it may be necessary in order to protect all of the constitutional rights of the carrier.

Again, there are some who favor the plan of the distinguished Senator from Ohio [Mr. FORAKER], which, in brief, is that the Commission shall be charged with the duty of prescribing and recommending reasonable rates and practices in lieu of unreasonable rates and practices established by the carrier, and if the carrier shall fail to put the rate or regulation so prescribed by the Commission in effect after due notice, it shall be the duty of the Commission to institute a suit to put in force a reasonable rate or regulation, and it shall be the duty of the court to ascertain and decree what the reasonable rate or practice is. Personally I favor practically the bill which passed the House and has been reported by the Committee on Interstate Commerce of this Senate. If, however, a provision for unlimited review is to be adopted and attached, I will frankly say then I prefer the plan of the Senator from Ohio. It is my belief and conviction, however, that the wiser plan is to provide for no method of review, leaving the law silent on this subject, which will have the effect of making all rates and regulations of the Commission conclusive, excepting such as shall invade the constitutional rights of the carrier; that is to say, if a rate or regulation shall be of such a character as to render it impossible for the carrier complying therewith to earn a sufficient income to meet its legitimate and proper expenses, and to pay a reasonable, fair profit on the value of its property, it might be said, and probably would be said, by the courts that the rate or regulation was unreasonable to the extent that it amounted to a taking of private property for public use without just compensation.

In such case the Commission would be acting in violation of the law, because the law will require it to prescribe just and reasonable rates and regulations, and hence the carrier would have, under the general law and the Constitution, the right to restrain in a court of equity the enforcement of any such order of the Commission. I think I have now stated the real issues here.

Mr. President, it has been contended here by able lawyers that a law which is silent on the subject of court review—that is, which contains no provision authorizing a judicial review and prescribing the method therefor—is equivalent to a denial in terms of such right and is in contravention of the Constitution.

The other day, in that splendid argument made by the distinguished Senator from Pennsylvania [Mr. KNOX], by which he so charmed and instructed us all, he said:

It is obvious that a law conferring the tremendous power which it is proposed by all the bills under consideration to confer upon the Commission, to substitute one rate or practice for another, must be drawn upon one of two theories: Upon the theory that the order of the Commission shall be final and not reviewable by the courts or upon the theory that it shall be reviewable by the courts.

If the Senator meant, as I conclude he did from that which follows, that any bill which is silent touching the right of review is necessarily a bill which denies the right of review and makes the rate and rules and regulations established by the Commission conclusive, then, much as I regret to say it, because I have the highest regard for the great abilities of the distinguished Senator, I can not agree with that conclusion; I do not believe it is a just conclusion, nor do I believe that it is sustained by the authorities.

Before passing, however, to the discussion of that question, I wish to refer for a moment to the somewhat remarkable and antagonistic arguments, not to say the inconsistencies, that our friends who are opposing this measure have drifted into during the course of this discussion. For instance, the other day when the distinguished Senator from Texas [Mr. BAILEY] was discussing his proposed amendment, a colloquy occurred between him and the Senator from Pennsylvania, during which the latter said:

Now, in conclusion, I wish to say if there is anything in relation to this proposed rate legislation that is thoroughly misunderstood throughout the country it is this. You stop ten men on the street, and nine of them will tell you that there is a party here contending for the right to review the orders of the Commission in the court, and there is another party contending that the orders of the Commission shall be final. I say the real issue here is between this absolutely recognized, unrestricted jurisdiction of the circuit courts in the Hepburn bill and the restrictions proposed to be placed upon it both by the amendment of the Senator from Texas and the bill I had the honor to propose to the Senate.

The Senator from Texas immediately and very earnestly concurred in that statement. So we see that on the 21st day of March these two distinguished Senators were a unit in the contention that the Hepburn-Dolliver bill is wide open, fairly rioting in provisions for review, and they were joining hands in an earnest effort to restrict it within the limits of moderation and sobriety.

But later on my friend the Senator from Pennsylvania, in that great argument which he delivered—and it was a great argument, one of the most beautiful to which I ever listened—said of the Hepburn-Dolliver bill:

I have ventured the opinion heretofore that I regarded the bill under consideration unconstitutional. I now repeat that opinion, and for the following reasons:

First. It does not provide any method for challenging the unlawfulness of the orders of the Commission in a direct proceeding against the Commission.

Second. It prohibits the parties affected and aggrieved by the Commission's orders from defending proceedings to enforce them upon the ground of their unlawfulness.

It is not possible to find in the bill a single word conferring jurisdiction upon any court to entertain a suit of any party aggrieved by any order of the Commission.

So it appears that after all the Hepburn-Dolliver bill is not such a wide-open review bill as we were told it was some days before. At that time, during the discussion of the proposed amendment by the Senator from Texas, I took occasion to suggest that in my judgment the Hepburn-Dolliver bill, being silent on the question of court review, allowed and permitted only such review as would be necessary to a party to protect his constitutional rights and privileges; that the amendment suggested by the Senator from Texas and the bill introduced by the Senator from Pennsylvania each proposed to allow all the orders of the Commission to be reviewed, and, therefore, that each necessarily proposed an enlargement of the right of review over and above that provided for, contemplated, or permitted by the Hepburn-Dolliver bill. Such was my conviction then, and such is firmly my judgment now.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER (Mr. KITTREDGE in the chair). Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. FULTON. Certainly.

Mr. KNOX. It is just to set the Senator right. I am sorry to say that I shall be compelled to class the Senator from Oregon among the nine men out of the ten who misunderstand the situation. I expressly stated, and stated in my remarks the other day with some elaboration, that I was discussing the Hepburn-Dolliver bill as construed by its proponents and not as I construed it, because I expressly said, in referring to the fact that they claimed that there was the right to go into court, that if that were true then that right was absolutely unrestricted by the Hepburn bill. And I followed it by this expression, that "of course I am not contending that it contains any such right."

I only wish to set the Senator from Oregon right on that subject, because I know he does not wish purposely to misrepresent anything I have said.

Mr. FULTON. Certainly not. I could not do it if I would, because it is all in the RECORD, and I would not do it if I could. I assure the Senator of that. I read from the RECORD that which purported to be a quotation from what the Senator said. I have no disposition, however, to place any construction on it. I supposed that was the construction the Senator intended. It was certainly the fair construction of the language which I read.

Mr. KNOX. Mr. President—

Mr. FULTON. Will the Senator allow me, and then he can make his explanation?

I was going to say that the Senator will remember that the first extract which I quoted was from his colloquy with the Senator from Texas. That is the time when he said that the Hepburn-Dolliver bill provided for unrestricted review, while his bill and the amendment of the Senator from Texas proposed to restrict the right of review. That is what I referred to. If I have misrepresented the Senator, I will be glad to have him correct me.

Mr. KNOX. Of course that which is said in colloquy must be taken in connection with that which has been said before or afterwards bearing upon the same subject and more in extenso. Prior to my interruption of the Senator from Texas the other morning, in which I used the language you have correctly read, I had already stated on a previous occasion that if the Hepburn-Dolliver bill were to be construed—and I think I read what Mr. HEPBURN said about it, and made some reference to what the Senator from Iowa and the Senator from Minnesota had said about it—that if it were to be construed as they construed it, there was absolutely no limitation upon the power of the court, and the court could issue an injunction on any application without any restriction whatever, without requiring any bond to be made or any cash to be paid into the court for the protection of the shipper.

Now, the other day when I was speaking—

Mr. FULTON. I know what the Senator said later on; that is, the next time he spoke. I recall very distinctly that he then said that there is no provision for a review in the Hepburn-Dolliver bill.

Mr. KNOX. Then you understand my position correctly.

Mr. FULTON. I quoted that a moment ago. The Senator, perhaps, did not understand me. I only trust that the Senator will not think for a moment that I was endeavoring to misrepresent him.

Mr. KNOX. Certainly not.

Mr. FULTON. I would not do that, and I hope the Senator believes I would not. I thought, perhaps, from the quotations that the Senator had changed his view. It is no offense or crime for one to change his views. But I do not charge that he has done it here.

Mr. KNOX. If I may be permitted to interrupt the Senator once more—

Mr. FULTON. Certainly.

Mr. KNOX. I will say I not only have not, but I am even more confirmed in it than ever.

Mr. FULTON. It is my contention—and that is the question I propose to discuss here—that it is not a wise public policy to grant the unlimited privilege or right of review. I am ready to concede that every man is entitled to be protected in the enjoyment of his constitutional rights, and that no attempt should be made to deprive any person of his property without the just compensation required by the Constitution, but it is my conviction that under this bill, as it stands, every right of that character is fully and amply protected.

To whatever extent judicial review is necessary in order to protect a carrier in the enjoyment of his or its constitutional

rights, I stand for. But manifestly, as I shall attempt to show, there are numerous regulations it will become the duty of the Commission from time to time to prescribe that are purely administrative in character. In the matter of discriminations, for instance, between persons in the sale of tickets; in the matter of passenger accommodations; in the matter of furnishing cars; in the matter of rebates, side-track connections, and numerous regulations of like character, all purely administrative, into which the questions of deprivation of property or of taking property without just compensation can not possibly enter, the orders of the Commission should be final, and they will be under this bill, for relative thereto no constitutional question can arise. Whenever constitutional rights shall be invaded the carrier will have, as I shall undertake to prove, under this bill as it now stands, the right to invoke judicial review of the Commission's orders.

That right he should have; that right we can not, and there is no attempt in this bill, to deny. Beyond that it seems to me he ought not to be permitted to go.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. FULTON. Certainly.

Mr. SPOONER. Is there anything in this bill which authorizes the Interstate Commerce Commission to be sued?

Mr. FULTON. No; not directly, and I do not think there is any necessity for such an authorization.

Mr. SPOONER. Does the Senator mean by that that the Commission can be sued without Congressional authority?

Mr. FULTON. I think so; I have no doubt about it.

Mr. MORGAN. Is it a corporation or a court?

Mr. FULTON. It is an administrative body; that is all it is. It is certainly not a court. It may be said to possess some quasi judicial powers and some quasi legislative powers.

Mr. SPOONER. It is a governmental administrative body without any interest in the subject-matter. Does the Senator think that without any Congressional authority that body can be made defendant in a law suit?

Mr. FULTON. I have no doubt about it. I had not intended to take up that question at this point, but I would just as soon take it up here as elsewhere.

Mr. SPOONER. I beg pardon of the Senator.

Mr. FULTON. Now, in *United States v. Lee* (106 United States, 206) that question is discussed. I suppose, and I want to know if I understand the Senator. I assume that his contention of immunity for the Commission from suits and actions in the courts is on the ground that it is a part of the sovereign power or is exercising a part of the sovereign power and represents the nation; that it stands in such relation to the Government that it may claim the same immunity the Government enjoys in the matter of suits. Is that what the Senator contends?

Mr. SPOONER. I am asking the Senator a question.

Mr. FULTON. But I want to know what the Senator contends. At least, I should like to know. Of course the Senator is not required to say.

Mr. SPOONER. It is a governmental agency, and the power which it exercises is the power of the Government—

Mr. FULTON. Yes; and if the Government can not be sued—

Mr. SPOONER. Well, the Government can be sued, if the Government consents.

Mr. FULTON. Yes; if it consents. It can not be sued unless it does consent.

Mr. SPOONER. Does the Senator hold that if there was nothing in the legislation which directly or inferentially authorized this agency of Government to be sued it could be sued?

Mr. FULTON. That is, if there is nothing of a specific character or by necessary implication authorizing it?

Mr. SPOONER. Yes.

Mr. FULTON. Yes; I think it could be sued anyway. Now, let me say—

Mr. BACON. Will the Senator pardon me for just a moment?

Mr. FULTON. In just a second. Let me answer the question. All questions of that character, however, simply go to the verbiage or phraseology of the bill and do not rise to the dignity or importance of a principle. So it is not really important anyway. I now yield to the Senator from Georgia.

Mr. BACON. The issue between the Senator from Wisconsin and the Senator from Oregon would be simplified if the suggestion were made that the Senator from Wisconsin certainly does not mean by his inquiry whether the Commission could be sued to recover damages or anything of that kind, but the Senator limits the inquiry—

Mr. FULTON. Whether they can be made a party?

Mr. BACON. To the question whether the Commission is

subject to legal process to restrain it from encroachment upon constitutional rights. That I understand to be the question.

Mr. FULTON. I understand that that was what the Senator meant.

Mr. SPOONER. That is what I meant.

If it will not bother the Senator, I should like to say a word.

Mr. FULTON. Not at all.

Mr. SPOONER. It is not by any means a mere question of verbiage. The Senator would concede that if the verbiage precluded suits against the Commission, so that there was no way in which the question could be raised in any lawsuit, because there must be parties, the plaintiff and the defendant, then the proposed act would not be valid. The question is whether the verbiage of the proposed act or of the existing law is such that the validity of an order made by the Commission can be tested in a suit in which the Commission is the defendant. That is the question.

Mr. SPOONER. To which the Commission is made a party.

Mr. FULTON. Yes.

Mr. FULTON. What I meant by saying that it is a mere matter of verbiage or phraseology in the bill is that if it is necessary to say "in a suit for review, the Commission may be made a party," it would not affect the principle I am discussing. That provision might be inserted, and yet unrestricted review be not granted.

Mr. SPOONER. No; if that provision is not made, and if the Commission can not be sued, is it not true—

Mr. FULTON. I think unquestionably if it is true, as the Senator contends—

Mr. SPOONER. Oh, no; I am not contending; I am asking. Mr. FULTON. Very well; if it is true, as the Senator implies by his question, that the Commission could not be made a party to a suit to test the constitutionality of the act, and that there was no way by which you could bring the Commission into court in order to review the proceedings, I think if the proposed act denied that, it would be unconstitutional. But one would naturally wonder how the carrier would ever get it declared unconstitutional if it could not make the Commission or anybody a party to a suit.

Mr. SPOONER. If you could not make anybody a party to a suit to test the validity of the order, it would be equivalent to making the rate fixed by the Commission conclusive, would it not, and that would be unconstitutional?

Mr. FULTON. I will grant that, but I contend that the Commission may be made a party without any specific provision authorizing it. I cite the Senator, in the first place, to the case of *United States v. Lee*.

Mr. SPOONER. I know that case.

Mr. FULTON. No doubt the Senator knows it. In that case an action was brought in ejectment against certain Government officials, who were in possession of real estate, who answered that it was the real property of the United States. They personally made no claim of title or interest whatever to the property, they were simply in possession as agents representing the Government, holding the property for the Government. The court discussed at great length whether or not that afforded them immunity from a suit by the claimants. The court reviewed the question as to when a Government or its agent is immune against suit. It says:

It is obvious that in our system of jurisprudence the principle is as applicable to each of the States as it is to the United States, except in those cases where by the Constitution a State of the Union may be sued in this court.

That is, by another State.

I read that simply for the purpose of showing that the same rule applies to a State that applies to the nation, and the same rule protects officials and representatives of a State that protects the United States and its representatives from being subjected to legal proceedings.

Mr. SPOONER. Will the Senator allow me just a moment?

Mr. FULTON. Will the Senator permit me to finish from this authority?

Mr. SPOONER. Yes.

Mr. FULTON. This authority goes on to discuss the constitutionality of the question of extending immunity to officials standing as they did in relation to Government property, and the court shows clearly that it would be in contravention of the Constitution of the United States to hold that persons standing in that relation might not be made parties defendant when a person comes into court and alleges he is being deprived of his property without just compensation.

Does the Senator claim or contend that should a carrier file his bill of complaint in equity, seeking to enjoin the Commission from enforcing an order made by it which it is alleged is in violation of that provision of the Constitution which prohibits private property being taken for a public use without just com-

pensation, that the Commissioners could lawfully answer, "We are Government agents, and you can not sue us," and that would defeat the suit? They are Government agents at best only in the constitutional discharge of their duties. They are not Government agents when violating the Constitution. The court says further:

The objection is also inconsistent with the principle involved in the last two clauses of Article V of the amendments to the Constitution of the United States, whose language is: "That no person * * * shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation."

Conceding that the property in controversy in this case is devoted to a proper public use, and that this has been done by those having authority to establish a cemetery and a fort, the verdict of the jury finds that it is and was the private property of the plaintiff, and was taken without any process of law and without any compensation. Undoubtedly those provisions of the Constitution are of that character which it is intended the courts shall enforce when cases involving their operation and effect are brought before them. The instances in which the life and liberty of the citizen have been protected by the judicial writ of habeas corpus are too familiar to need citation, and many of these cases, indeed almost all of them, are those in which life or liberty was invaded by persons assuming to act under the authority of the Government. (Ex parte Milligan, 4 Wall. 2.)

If this constitutional provision is a sufficient authority for the court to interfere to rescue a prisoner from the hands of those holding him under the asserted authority of the Government, what reason is there that the same courts shall not give remedy to the citizen whose property has been seized without due process of law and devoted to public use without just compensation?

I call the Senator's attention to that, and then I call his attention also to the case of *Reagan v. The Farmers' Loan and Trust Company*, with which the Senator is perfectly familiar also. It is found in 154 United States, page 388. In that case suit was brought against the railway commission of the State of Texas and the attorney-general of the State to enjoin them from enforcing the orders made by the commission prescribing a schedule of rates; and I want you to keep in mind that the Supreme Court said in 106 United States, from which I have just read, that the same rule applies to the State, under this doctrine of immunity from suit, that applies to the General Government. Now, with that enunciation of the doctrine in mind, I invite your attention to what the court said in 154 United States, as to whether the railroad commissioners might be made parties to a suit to review the orders of the Commission:

We are met at the threshold with an objection—that this is in effect a suit against the State of Texas, brought by a citizen of another State, and, therefore, under the eleventh amendment to the Constitution, beyond the jurisdiction of the Federal court. The question as to when an action against officers of a State is to be treated as an action against the State has been of late several times carefully considered by this court.

Of course if there had been consent by the State to be sued, there would have been no need of discussing this proposition in that case, and hence we may assume there was no such consent.

The question as to when an action against officers of a State is to be treated as an action against the State has been of late several times carefully considered by the court, especially in the cases of *In re Ayers* (123 U. S., 443) by Mr. Justice Matthews, and *Pennoyer v. McConaughy* (140 U. S., 1) by Mr. Justice Lamar.

They then review the authorities at some length, and conclude thus:

Appellants invoke the doctrines laid down in these two quotations and insist that this action can not be maintained because the real party against which alone in fact the relief is asked and against which the judgment or decree effectively operates is the State, and also because the statute under which the defendants acted and proposed to act is constitutional, and that the action of State officers under a constitutional statute is not subject to challenge in the Federal court. We are unable to yield our assent to this argument. So far from the State being the only real party in interest, and upon whom alone the judgment effectively operates, it has in a pecuniary sense no interest at all.

Then, continuing, they say:

It is not nearly so much affected by the decree in this case as it would be by an injunction against officers staying the collection of taxes, and yet a frequent and unquestioned exercise of jurisdiction of courts, State and Federal, is in restraining the collection of taxes, illegal in whole or in part. Neither will the constitutionality of the statute, if that be conceded, avail to oust the Federal court of jurisdiction. A valid law may be wrongfully administered by officers of the State, and so as to make such administration an illegal burden and exaction upon the individual.

And that is what I want to call the Senator's particular attention to. A valid law may be unconstitutionally administered by the Commission, and when they step outside of their statutory authority they cease to be entitled to plead their official character as Government agents and immunity from suit.

The court further says:

A tax law, as it leaves the legislative hands, may not be obnoxious to any challenge, and yet the officers charged with the administration of that valid tax law may so act under it in the matter of assessment or collection as to work an illegal trespass upon the property rights of the individual.

And so I say here, these Commissioners might so execute the trust confided to them as to trespass upon the property and rights of the individual, the carrier.

They may go beyond the powers thereby conferred, and when they do so the fact that they are assuming to act under a valid law will not oust the courts of jurisdiction to restrain their excessive and illegal acts.

And in *Smyth v. Ames* (169 U. S., 518), which was also a suit to enjoin a railroad commission, the court said:

Another question of a preliminary character must be here noticed. The answer of the officers of the State in each case insists that the real party in interest is the State, and that these suits are, in effect, suits against the State, of which the circuit court of the United States can not take jurisdiction consistently with the eleventh amendment of the Constitution of the United States. This point is, perhaps, covered by the general assignments of error, but it was not discussed at the bar by the representatives of the State board. It would therefore be sufficient to say that these are cases of which, so far as the plaintiffs are concerned, the circuit court has jurisdiction not only upon the ground of the diverse citizenship or alienage of the parties, but upon the further ground that as the statute of Nebraska, under which the State board of transportation proceeds, is assailed as being repugnant to rights secured to the plaintiffs by the Constitution of the United States, the cases may be regarded as arising under that instrument. But to prevent misapprehension we add that, within the meaning of the eleventh amendment of the Constitution, the suits are not against the State, but against certain individuals charged with the administration of a State enactment, which, it is alleged, can not be enforced without violating the constitutional rights of the plaintiffs. It is the settled doctrine of this court that a suit against individuals for the purpose of preventing them as officers of a State from enforcing an unconstitutional enactment to the injury of the rights of the plaintiff is not a suit against the State within the meaning of the amendment. (*Pennoyer v. McConaughy*, 140 U. S., 1, 10; *In re Tyler*, 149 U. S., 164, 190; *Scott v. Donald*, 165 U. S., 58, 68; *Tindal v. Wesley*, 167 U. S., 204, 220.)

Now, if that is true of a State commission, and if it is true, as the Supreme Court says, that State officers are entitled to the same protection under this rule of immunity from suit that United States officials are, I ask the Senator why that doctrine does not apply to a commission created by Congress?

Mr. SPOONER. Will the Senator permit me for a moment?

Mr. FULTON. With pleasure.

Mr. SPOONER. With reference to the case of the United States against Lee, that was an action of ejectment—

Mr. FULTON. Yes.

Mr. SPOONER. Brought by the owner against certain persons in possession of Arlington, the homestead of General Lee.

Mr. FULTON. Against certain officials.

Mr. SPOONER. Against certain persons. Of course, in an action of ejectment the plaintiff must recover upon the strength of his own title and not because of the weakness of his adversary's title. The defendants answered, and it was otherwise brought to the attention of the court by the Attorney-General, that these officials, the defendants, were holding for the Government of the United States. The Supreme Court of the United States upheld in that case the doctrine that except where Congress has provided the United States can not be sued. But—

That doctrine has no application to officers and agents of the United States who, when as such holding for public uses possession of property, are sued therefor by a person claiming to be the owner thereof or entitled thereto; but the lawfulness of that possession and the right or title of the United States to the property may, by a court of competent jurisdiction, be the subject-matter of inquiry and adjudged accordingly.

If that had not been the law, although the tax for which the homestead of General Lee had been sold had been tendered, he would have been remediless. The right to bring an action of ejectment against persons in possession is one thing. The right to bring suit to enjoin a governmental body—an administrative body, if you please—which has under authority of law fixed the price, a just compensation, which its owner is entitled to for private property taken for public use, is another thing, is it not?

Mr. FULTON. There may be a distinction, but I doubt if there is a difference.

Mr. SPOONER. If the Senator will look at the *McChord* case, decided by the Supreme Court of the United States, he will see, I think, for he is an excellent lawyer, that there is not only a distinction, but a difference.

Mr. FULTON. I have looked at the *McChord* case.

Mr. SPOONER. And is it not wise, in view of the fact that it is the purpose of Congress (and if it is not the purpose of Congress the proposed act would be void beyond any possible question) to furnish an opportunity to raise the question in the courts of the United States, to make it clear in the statute, by adequate provision, that it may be done? That is my point.

Mr. FULTON. I stated to the Senator that was a mere question of wording which does not one way or the other enter at all into the principle for which I am contending. But I have no guardianship over this bill, and I have no objection to an amendment of it that will make this proposition perfectly clear to grant the consent, if you please, of Congress to make the Commission a party to any suit necessary to protect the carrier in the enjoyment of his constitutional rights and the possession of his property. Some such amendment as that I would have no objection to. But I do hold that it is not necessary. I can not admit that it is necessary. I contend that this principle of

immunity of the sovereign power from suits in the courts does not extend to Government agents such as these Commissioners would be, and I think the cases I have read in connection with the Reagan case and *Smyth v. Ames* very clearly show that.

Will the Senator tell me whether there is any difference in the relation occupied by a railroad commission of a State created by the State legislature to the State than the relation of a commission created by Congress to the General Government? The relation of the one to the sovereign power that creates it is exactly the relation of the other to the sovereign power that creates it. If a suit may be maintained to restrain a State commission from the exercise of unconstitutional and unwarranted powers, without the consent of the State equally and upon the same principle a suit may be maintained against a commission created by Congress to restrain it from the exercise of unconstitutional and unwarranted and usurped power.

But that is really not a very material question, because if it be a defect in the bill it is one that is easily remedied without destroying the principle for which its friends contend.

Now, Mr. President, I was diverted by that suggestion—

Mr. TILLMAN. Before the Senator leaves that question, I just want to throw out a suggestion for the discussion of my two learned legal friends here to see how they will handle it. I am just reading here section 3224, which relates to the collection of internal-revenue taxes:

No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

Now, there is a direct prohibition against a court intermeddling with the collection of taxes. Taxes are levied by Congressional action, by law, and the officers of the Government assess and collect them. Here is a direct prohibition that such officers shall not be intermeddled with by the courts either by a suit or by a restraining order. I just want to know if that applies at all in this connection.

Mr. FULTON. I will say to the Senator from South Carolina that I can not myself see that it has any application here.

Mr. TILLMAN. Here are the officers of the Government who are going to collect these taxes. Are they not acting under an act of Congress, and would not this Commission which does this duty of lowering a rate be a creature of Congress? If you can not sue one, why do you have to sue the other to get your law constitutional?

Mr. FULTON. The Senator, I think, has probably this idea, that by analogy—

Mr. TILLMAN. I am reading it by analogy only.

Mr. FULTON. The legislative power had to make a prohibition against suits being maintained against tax collectors in order to prevent such suits.

Mr. TILLMAN. Undoubtedly.

Mr. FULTON. Therefore if a suit might be maintained in the absence of a prohibition against the tax collector (as such legislation assumes), it might be maintained against persons occupying the relation of this Commission. I suppose that is the Senator's idea.

Mr. TILLMAN. That is the idea I had in mind. The Senator from Wisconsin is contending that it will be unconstitutional for us to pass an act here that does not recognize the right to sue this creature of Congress. I just wanted to know why the same principle will not apply in the collection of taxes, which are levied by Congress, just as the rate will be fixed by Congressional action.

Mr. FULTON. I feel justified in saying on behalf of the Senator from Wisconsin that he has abandoned that contention.

Mr. SPOONER. Oh, no.

Mr. TILLMAN. I leave you two gentlemen, then, to discuss it.

Mr. FULTON. I thought the Senator from Wisconsin had abandoned it, or would under the light of the authorities I have cited and quoted.

Mr. SPOONER. I say this—and the Senator from Oregon agrees with me; he must do so—

Mr. FULTON. I must if you say so.

Mr. SPOONER. You must, because you are a good lawyer.

Mr. FULTON. When the Senator says that, I must agree to anything.

Mr. SPOONER. If there were no provision made for testing the lawfulness of an order made by the Commission in the courts—and I know no way by which that could be done except by authorizing suit to be brought against the Commission—the act would not be valid.

Now, I want to say to the Senator from South Carolina, if the Senator from Oregon will permit me—

Mr. FULTON. Certainly.

Mr. SPOONER. It will take but a moment.

Mr. FULTON. That is all right.

Mr. SPOONER. Exception has been made in all the decisions between a proceeding for the collection of taxes, which, in the very nature of things, must be summary, and a proceeding to take property for public use. In other words, the exercise or the quasi-exercise directly of the power of eminent domain.

Mr. FULTON. Yes; there is unquestionably a distinction.

Mr. TILLMAN. Congress is empowered under the Constitution to collect taxes and to regulate commerce. Both these powers are in the same section. It is a part of the power of Congress to levy taxes and to regulate commerce. Under the power to levy taxes the officers, the creatures of Congress in levying and collecting taxes, are protected even against being sued, much less against being enjoined, and they go right forward and take private property for public use, and the taxpayer has no redress whatever.

Mr. SPOONER. The Senator ought to know that the tax proceeding is entirely different. Under the decisions—

Mr. TILLMAN. There you come with your decisions. I am getting back to the common sense of it now.

Mr. SPOONER. Where the Senator's common sense differs from the legal—

Mr. TILLMAN. Of a common sense.

Mr. SPOONER. No; from the common sense of the legal standpoint of the Supreme Court of the United States. I, with due deference to him—

Mr. TILLMAN. Brush mine aside, of course.

Mr. SPOONER. I feel constrained to give greater respect to the decisions of the Supreme Court of the United States.

Mr. TILLMAN. Undoubtedly.

Mr. SPOONER. I say to the Senator the Supreme Court has made a clear distinction, so far as due process is concerned, between the collection of taxes and the sale of property for a non-payment of taxes and the exercise of the power which is under discussion here.

Mr. FULTON. Now, Mr. President—

Mr. TILLMAN. Of course I do not want to interfere with the Senator from Oregon.

Mr. FULTON. If I may be allowed to exercise my function of umpire and declare this a draw, I will proceed with my argument.

Mr. SPOONER. You declare it a draw?

Mr. FULTON. I really think the Senator from Wisconsin has the better of the argument up to this time, but I do not know how long that will continue and therefore I want to stop the contest.

Now, in line with the question we were discussing of the right of a party to prosecute a suit in equity and make the Commission a party without the consent of the Commission or without the consent of Congress, and without any provision of law authorizing it, I call the Senator's attention to the opinion of Justice Miller in concurring in the case of *Chicago, etc., Railway Company v. Minnesota*, page 459 of 134 United States Reports, being the case we commonly refer to as the "Minnesota case." It was a case where the railway commission of Minnesota had prescribed certain rates which the supreme court of the State of Minnesota held were conclusive. That court held that the court could not inquire into the justice or injustice of such rates, but that they were conclusive on the court and must stand. The Supreme Court of the United States held, of course, that if that was the true construction of the statute it was unconstitutional, and that it (the Federal Supreme Court) is bound by the construction placed on a State statute by the supreme court of such State, which, of course, is the acknowledged rule. But Justice Miller, while he said he concurred with some hesitation in the judgment of the court reversing the case, made this statement:

1. In regard to the business of common carriers limited to points within a single State, that State has the legislative power to establish the rates of compensation for such carriage.

2. The power which the legislature has to do this can be exercised through a commission which it may authorize to act in the matter, such as the one appointed by the legislature of Minnesota by the act now under consideration.

He then states that the rate, however fixed, must have in mind the fact that property may not be taken for public use without just compensation.

Then he discusses the proposition as to the remedy in case it is contended that the rates fixed do operate to deprive the party of his property without just compensation. Justice Miller was rather disposed to contend that the question could not be raised in defending a mandamus suit, which was the proceeding employed by the Commission, but finally concurred and agreed that the question might be raised when such was the character

of the suit brought by the Commission to enforce its orders. He said, however—

That the proper—
Bear this in mind—

6. *That the proper, if not the only, mode of judicial relief against the tariff of rates established by the legislature or by its commission is by a bill in chancery asserting its unreasonable character and its conflict with the Constitution of the United States, and asking a decree of court forbidding the corporation from exacting such fare as excessive or establishing its right to collect the rates as being within the limits of a just compensation for the service rendered.*

Keep in mind the fact that there was no provision in the Minnesota statute providing for a court review.

Justice Miller was unquestionably one of the greatest jurists that ever occupied a seat on the Supreme Bench. He points out that a suit in equity to restrain the Commission is the proper, if not the only, remedy in such a case. I have shown that the same principle was announced in *Smyth v. Ames*, above cited.

Now, Mr. President, I am going to hurry on, because I had not expected, when I began, to speak so long as I have, although I have not done all of the speaking. The point I particularly desire to discuss is the proposition that it is not necessary to the validity of a bill of this character that it shall contain a specific provision for a court review. What is the character of that power? Is it a limited or is it an unlimited power? Is it a purely legislative power or is it quasi judicial?

Manifestly, I think, under the decisions, the power to prescribe a schedule of rates for the future is a purely legislative power. If that be true, how can it be said that it is necessary in the exercise of a purely legislative power to provide for a court review?

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. FULTON. In just a second, and then I will yield.

We commit to this Commission, to this administrative board, by virtue of the legislative power of this body, the right to prescribe rates. The matter of making rates, the matter of prescribing a schedule of rates, is a legislative power, admittedly. Why, then, in the exercise of that power, must we specifically provide some method for reviewing the action of that board? Now I yield to the Senator.

Mr. ALDRICH. Before the Commission can exercise the legislative power, to which the Senator is now alluding, they must declare that certain rates are unreasonable. Is that a legislative power?

Mr. FULTON. Is it a legislative power?

Mr. ALDRICH. Yes; deciding the question whether rates are reasonable or unreasonable.

Mr. FULTON. In the matter of prescribing future rates—

Mr. ALDRICH. I am not talking about prescribing rates. I say they must find in the first instance that certain rates now in existence made by the carriers are unreasonable. Is that a legislative power?

Mr. FULTON. The matter of prescribing rates for the future is a legislative power, but I would not say that the power to be exercised by this Commission is a legislative power. It is purely an administrative power; that is all it is—the power to be exercised by the Commission.

Mr. ALDRICH. Have not the courts said—

Mr. FULTON. Of course it is on the border line of legislation. All these powers blend at a certain point, and it is very difficult to define them absolutely. It may properly be described as the exercise of quasi legislative power.

Mr. ALDRICH. Has not the Supreme Court said over and over again that the power to declare a rate unreasonable was a judicial power? Has not the court said so in numberless cases?

Mr. FULTON. Yes; the Supreme Court has said that, but the Senator must take into consideration the circumstances and the character of the case in which the court said it. The court has said time and again, it said in the *Reagan* case, and has said in numerous cases, that the power to prescribe future rates is a legislative power. The power to determine the reasonableness of a rate when that question is in litigation or when that question is disputed, is a judicial power certainly.

But I am not talking about that. I am talking about the exercise of the legislative power of prescribing a future rate. I am not discussing now even whether that power may be committed to a commission. I have assumed for the purpose of the argument that it may be committed to a commission. I think no one seriously questions but that it may be committed to a commission. Then if Congress may commit to the extent proposed here to a commission the power to prescribe such rates, in doing that it is the exercise by Congress of a legislative power, and it is unnecessary to provide for any method of review.

Now, when the question of the reasonableness of a rate is

raised, when it is sought to review the action of the Commission and it is contended that the rate prescribed is unreasonably low, that it amounts to confiscation under the Constitution, then a judicial question is presented and the court must determine it. But the party raises that question under the Constitution and by virtue of his constitutional rights, and it does not require any act of Congress to authorize him to avail himself of his constitutional privilege. That is what I contend.

Mr. ALDRICH. Suppose the rate is unreasonably high? Suppose it is extortionate?

Mr. FULTON. I do not think the railroads are worrying about that.

Mr. ALDRICH. I am not talking about railroads. The anxiety of the Senator from Oregon, I take it, is not for the railroads.

Mr. FULTON. My anxiety is—

Mr. ALDRICH. Suppose the shipper finds the rate fixed by the Commission to be extortionate, what remedy has he unless there is some specific power given to him to have a review?

Mr. FULTON. I suppose that the shipper has no remedy unless there is power given to him to review. I think not, because his constitutional rights would not be infringed. His property would not be taken for any public use.

Now, I want to go back just a moment before I proceed. I answered the Senator that I did not think the railroads were worrying about that. I did not mean to say that the Senator is advocating the cause of the railroads. I thought afterwards that the remark might be so construed. I was arguing from the standpoint of the carrier at the moment, and that is what caused me to make the remark.

The shipper is placed in a different position. He is bound absolutely by the rate made by the Congress, because his constitutional rights are not invaded. But I do not think there is any danger that the shipper's rights, constitutional or otherwise, are going to be infringed in any respect by the action of this Commission. I do not think that anyone is dreading lest the Commission shall make the rates to be charged by the railroads and transportation lines too high. If they shall do that, it will be time to provide a remedy against it when they shall have done so. To provide a remedy for the shipper to review the orders of the Commission would be a fruitless and useless task, because it is utterly impractical for the shipper to prosecute cases of that character. That is the reason why we are proposing to constitute this Commission with power to prosecute such cases. It is because the Commission has the Government behind it and can better bear the expense necessarily entailed by such a prosecution. If it were left to the individual shipper to enforce these laws, if it were left to the individual shipper to prosecute a suit to reduce a rate that is put in practice by a railroad, the suits would never be prosecuted and the rates would never be reduced, because the shipper could not afford the expense of following up the litigation.

Mr. ALDRICH. Will the Senator allow me to interrupt him again?

Mr. FULTON. Certainly.

Mr. ALDRICH. Does the Senator think the shipper ought to be left powerless against exactions by the Commission?

Mr. FULTON. I think if the shipper were complaining against the action of the Commission it would be proper enough to give him a remedy, but I think it is unnecessary to talk about the shipper being left powerless when the shipper is not complaining. The shipper is asking us to give to the Commission the power to fix and regulate the rates. The shippers are not calling on us to give them the power of review.

Mr. ALDRICH. Who is authorized here to speak and to say that?

Mr. FULTON. Anyone who reads the papers and is informed of the current opinion and sentiment of the country.

Mr. ALDRICH. We are acting here upon our judgment, I assume, and so as to protect the rights of all.

Mr. FULTON. The Senator must speak for himself as to how he is acting. I will not undertake to do so. I can tell him, if he wants an answer to his inquiry, how I am acting and why I have the views I entertain.

Mr. ALDRICH. The Senator assumes that under the present law—and, as I understand him, he is opposing any amendment in that direction—the shipper is left powerless as against the exaction of extortionate rates. I do not propose to consent to a bill which does not give the same remedy to the shipper that, in the opinion of the Senator from Oregon, exists on the part of the carrier.

Mr. FULTON. I say I am ready to give the shippers any necessary remedy whenever it shall appear that the shipper is suffering any wrong. The particular wrong of which the ship-

per is now complaining is of the excessive rates made by the railroads. The shipper could, without any law being passed by Congress, avail himself of the right he has at common law to go into court and to enjoin a rate made by the railroad company that he alleged and could prove was excessive and unreasonable.

Mr. ALDRICH. But, Mr. President—

Mr. FULTON. He has that right without any action of Congress, but we all know that it is a right without any value to him.

Mr. ALDRICH. That is what I expected the Senator to say.

Mr. FULTON. It is utterly without any value to him because he can not afford to do it. Now, the shippers are not asking us to give them a remedy against the orders of the Commission. If the Senator wants to incorporate in the bill a provision that will authorize the shipper as well to appeal to the courts when a rate made either by the railroad or by the Commission shall be unreasonable and unjust as to the shipper, I care nothing about that. The Senator knows as well as I know that that is not the heart of this controversy. That it is mere diversion. That the heart of this controversy is, Shall we give the Commission the power to lower or fix a maximum rate of charges or to prescribe a just and reasonable rule when it finds that the one in force by the railroad is unjust and unreasonable?

I was about to say when interrupted by the Senator from Rhode Island that while it is not necessary to cite the authorities in order to show the power that Congress has in the matter of regulating commerce among the States, and hence to prescribe rates, I have a few citations here.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. Certainly.

Mr. HOPKINS. Before the Senator from Oregon leaves that point, I desire to suggest to him as to whether it is likely a shipper would appeal to the Commission to get the Commission to raise railroad rates over what the railroad had themselves fixed?

Mr. FULTON. That is a very pertinent suggestion.

Mr. ALDRICH. As that inquiry seems to be in reply to a question which I asked, I will state to the Senator from Illinois it might happen that if the Commission should become favorable in the course of time to the railroads and the rights of the shippers invaded by their action, the rate might be, for instance, a dollar from Chicago to New York and the shipper contend that 60 cents was a reasonable rate. The Commission might fix 95 cents and the shipper would be absolutely powerless to have the rate set aside as extortionate and unreasonably high. In such a case you propose to leave the shipper without remedy.

Mr. HOPKINS. Mr. President, I disagree entirely with the Senator from Rhode Island on that proposition. The court is open to the shipper now and will be after this bill, if it is properly enacted, becomes a law.

Mr. ALDRICH. Of course; and the shipper can commence suit at common law against the carrier or against the Commission. But what value is that? What value has it ever been?

Mr. HOPKINS. Does not the Senator remember that the only object of a court is to set aside a rate that is fixed by the Commission? Then it goes back to the Commission for another hearing. But the court would not fix 95 cents if 60 cents was a reasonable rate; it would simply find that a dollar was an unreasonable rate and then remit it back to the Commission.

Mr. ALDRICH. The court does not fix any rate. I am not talking about that.

Mr. HOPKINS. It vacates the order or affirms it, as the case may be.

Mr. ALDRICH. They have a right to say after a proper review that 95 cents was an unreasonable rate, and then the Commission would have to fix a reasonable rate, or rather the same complaint would have to be gone over again before the Commission.

Mr. HOPKINS. All the court does is either to affirm or vacate the order.

Mr. ALDRICH. I understand that perfectly.

Mr. FULTON. Mr. President, I still insist that the shipper is not worried over the possibility of the rates fixed by the Commission being made higher than they are at present under the railroad rate-making power. Whenever the shippers begin to complain that there is danger that the Commission will increase the rate prescribed by the railroad companies, then it will be time enough to consider the suggestion of giving extended powers to the shipper in order to protect his rights and interests.

Mr. ALDRICH. I suppose the Senator from Oregon is aware that I have made no such suggestion.

Mr. FULTON. No.

Mr. ALDRICH. And it is simply disposing of a man of straw that I have not raised.

Mr. FULTON. It is purely academic, as I think has been most of the discussion which has grown out of the suggestion made by the Senator from Rhode Island.

I will now return to the proposition that it is unnecessary to insert any provision in this law for a review; that an act that is silent on that subject is valid under the Constitution.

But first let me say again that it is my contention that the Hepburn-Dolliver bill does not deny the carrier the privilege of having any order of the Commission reviewed which he contends is violative of his constitutional right, and hence it recognizes his right so to do. To attempt to deny him such right would doubtless render the measure unconstitutional. We want that he shall have that right, but we do not want that he shall have the right of review for any other purpose. I might not oppose an amendment which in terms restricts the right of review to a judicial inquiry into the constitutionality of an order and provided for the early hearing and determination of the case. Beyond that I can not go, and that is not necessary in order to insure the validity of this measure. Indeed, I can not but doubt the wisdom of attempting to frame any such provision. Better leave the bill as it is in that respect, and let the courts describe the limit. The authorities that have been cited in support of the contention that a statute of this character, which does not provide specifically for a review, is unconstitutional, refer entirely to statutes that in terms made the rates of the Commission conclusive. I shall now undertake to show that a statute which is silent as to court review recognizes the right of a carrier to have reviewed any order which invades his constitutional rights, and hence is a valid exercise of legislative power.

To what extent, then, is Congress vested with the power to prescribe future rates? Is it an independent power—a power vested solely in the legislative branch of the Government, or is it a mixed power, quasi legislative, quasi judicial? Manifestly, it is purely and essentially a legislative power. It grows out of and is derived solely from the power vested in the Congress by the Constitution to "regulate commerce among the States."

But gentlemen tell us that it may not be exercised unless specific provision be made for a court of review. How can that be if it is a legislative power? Will it be contended that the Congress can not exercise unquestioned legislative powers without in each instance specially providing for a court review? Does the validity of legislative enactments or the right of a citizen to protection in the enjoyment of his constitutional rights depend upon such provision? Does the pending bill propose an unlawful or unconstitutional act? Is it proposed to commit to the Commission the power to do aught else than make reasonable and just rates and regulations? Certainly not. Is it not within the constitutional power of Congress to prescribe reasonable rates and regulations? Certainly. We are told, however, that the Commission may prescribe unjust and unreasonable rates or regulations. If it shall, would not its action be in violation of the law? Would it be the fault of the statute that the Commission had exceeded its power? Surely not. Can not the courts confine and restrict its actions to the exercise of its legitimate power? Then why must the law provide a method of appeal from or review of the Commission's orders? If the Commission shall make only such orders as the statute authorizes it to make, there will be no occasion for a review. Why must we assume that it will do otherwise? If it shall attempt to make orders or prescribe regulations in excess of, beyond, or in violation of its powers, its action would be void and enforcement of any such order would be restrained by the court. It is to me a strange doctrine, and new entirely, that a commission or administrative board may exceed its authority, and yet there exists no method of reviewing and restraining its orders in such behalf, unless the method of review be provided in the act creating the board and prescribing its authority.

The contention that no act of Congress authorizing a Commission to prescribe rates and regulations can be constitutionally enacted unless a provision for a court review is incorporated in the statute, assumes and implies that the power of Congress to regulate fares and practices of common carriers is a power that Congress can exercise only as an auxiliary or assistant to the court.

While I do not deem it necessary to cite authorities in support of the power of Congress to regulate rates, yet in view of the contention that any act which does not provide for a review of the Commission's orders by the courts will be unconstitutional, it seems to me it will prove profitable briefly to inquire what the powers and jurisdiction of Congress in that behalf are. Is it a subject over which the power of Congress is plenary and

supreme? If so, then it is my contention that whether Congress shall act directly in the matter of prescribing regulations for and fixing rates of common carriers, or shall act through a duly constituted commission, it is independent of the courts, and there is no power on earth that may lawfully question, set aside, or suspend its decrees. There are, of course, certain constitutional limitations that operate not on Congress alone, but as well on every Department and agency of Government. For instance, private property may not be taken for a public use unless just compensation be first paid or certainly and securely provided. And no person may be deprived of his property except by due process of law. But here the taking of private property is not contemplated, nor is it proposed to deprive any person or corporation of its property, either by process of law or otherwise.

If any order of the Commission shall amount to such taking or deprivation, it will be in contravention and in violation of this proposed statute, as well as of the Constitution, and, therefore, not pursuant to the statute or by virtue thereof. Hence, any such order would be outside of the statute and its enforcement would be restrained at the suit of the party whose property was proposed thus unlawfully to be taken. The jurisdiction to hear and determine such a case need not be given in this act, for it contemplates no such case, and jurisdiction in such case is amply provided for in the judiciary act, for it would be a case "arising under the Constitution of the United States and the laws of Congress."

As I have stated, Mr. President, that, while I do not deem it necessary to go into the history of the judicial decisions touching the powers of Congress in the matter of regulating interstate commerce, still, in order to show that its power in that behalf is absolutely supreme, that it knows no limitation except in so far as the provision of the Constitution against the taking of private property for public use without compensation is a limitation, I will now briefly cite certain authorities on that proposition.

In *Gibbons v. Ogden* (9 Wheat., 9) Justice Marshall, speaking of the power of Congress to regulate commerce, said:

It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

In the *Northern Securities Company v. United States* Justice Harlan, affirming the decree, said:

Is there, then, any escape from the conclusion that, subject only to such restrictions, the power of Congress over interstate and international commerce is as full and complete as is the power of any State over its domestic commerce?

In the same case Mr. Justice White said:

At the outset the absolute correctness is admitted of the declaration of Mr. Chief Justice Marshall in *Gibbons v. Ogden*, that the power of Congress to regulate commerce among the States and with foreign nations "is complete in itself and may be exercised to its utmost extent, and acknowledges no limitations;" and that if the end to be accomplished is within the scope of the Constitution, "all means which are appropriate, which are plainly adapted to that end and which are not prohibited are constitutional."

The plenary authority of Congress over interstate commerce, its right to regulate it to the fullest extent, to fix rates to be charged for the movement of the interstate commerce, to legislate concerning the ways and vehicles actually engaged in such traffic, and to exert any and every power over such commerce which flows from the authority conferred by the Constitution, is thus accorded.

In *Kentucky and I. Bridge Company v. The Louisville and Nashville Railroad Company* (37 Fed., 634) Mr. Justice Jackson, after quoting from *Gibbons v. Ogden*, said:

Possessing such sovereign and exclusive power over the subject of commerce among the States, it is difficult to understand why Congress may not legislate in respect thereto to the same extent, both as to rates and all other matters of regulation, as the States may do in respect to purely local or internal commerce.

In *Interstate Commerce Commission v. Cincinnati, New Orleans and Texas Pacific Railway Company*, Mr. Justice Brewer, in delivering the opinion of the court, said:

Before the passage of the act it was generally believed that there were great abuses in railroad management and railroad transportation, and the grave question which Congress had to consider was how those abuses could be corrected and what control should be taken of the business of such corporations. The present inquiry is limited to the question as to what it determined should be done with reference to the matter of rates. There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might commit to some subordinate tribunal this duty, or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable. There is

nothing in the act fixing rates. Congress did not attempt to exercise that power, and if we examine the legislative and public history of the day it is apparent that there was no serious thought of doing so.

In *Stone v. Farmers' Loan and Trust Company*, Mr. Chief Justice Waite, delivering the opinion of the court, said:

It is now settled in this court that a State has power to limit the amount of charges by railroad companies for the transportation of persons and property within its own jurisdiction, unless restrained by some contract in the charter, or unless what is done amounts to a regulation of foreign or interstate commerce. (*Railroad Co. v. Maryland*, 21 Wall., 456; *Chicago, Burlington and Quincy Railroad Co. v. Iowa*, 94 U. S., 164; *Winona and St. Peter Railroad Co. v. Blake*, 94 U. S., 180; *Ruggles v. Illinois*, 108 U. S., 526-531.)

It will be seen, Mr. President, from the authorities above cited, that the power of Congress to regulate interstate commerce is unrestricted, is as ample and complete as is the power of a State to regulate its domestic commerce—that States may regulate rates, and hence the power of Congress to prescribe rates in the exercise of its power to regulate interstate commerce is clear. If this is true, how can it be reasonably contended that in order to exercise such power it must provide specifically for a method of judicial review?

Mr. President, the contention of the Senator from Pennsylvania the other day was that under the decision of the Supreme Court of the United States in the *Minnesota* case, as reported in 134 United States, a law which does not contain a specific method of review is necessarily in conflict with the Constitution. I deny that the doctrine of the *Minnesota* case justifies any such contention, and I wish to call the attention of the Senate very briefly to what the *Minnesota* case is.

I stated a few moments ago that the legislature of Minnesota enacted a law granting to a railroad commission certain powers. Among those powers was the power to prescribe reasonable rates and regulations for transportation lines. Under that power the Minnesota commission did prescribe rates. A mandamus proceeding was brought to put in force as against the railroad company the schedule of rates made by that commission. The railroad company appeared, filed its answer, and alleged that the rates it had in force were reasonable, and that the rates prescribed by the railroad commission were unreasonable to the extent that they deprived the railroad of its property without just compensation or due process of law. But the supreme court of Minnesota held that under the statute the rates fixed by the railroad commission were absolutely conclusive, and would not admit testimony to show them to be confiscatory. The case went up to the Supreme Court of the United States. That court held that the statute of the State of Minnesota as construed by the supreme court of Minnesota was void. The court intimated all through its decision that in its judgment the supreme court of Minnesota had erroneously construed the statute.

The statute did not in terms say that the rates fixed by the commission should be conclusive, but the supreme court of Minnesota gave the statute that construction, and the Supreme Court of the United States said that, under the well-known rule, it is bound by the construction of a State statute given to it by the highest court of the State enacting it. It must treat the law as if it had had the decision of the supreme court of Minnesota incorporated into it, and therefore prohibiting by its terms the reasonableness of rates established by the commission being inquired into. But even then the Supreme Court of the United States did not hold the statute to be void. They held that as construed by the supreme court of Minnesota it was in conflict with the Federal Constitution, and concluded in these words:

In view of the opinion delivered by that court it may be impossible for any further proceedings to be taken other than to dismiss the proceeding for a mandamus, if the court should adhere to its opinion—

Mind you—

that, under the statute, it can not investigate judicially the reasonableness of the rates fixed by the commission. Still, the question will be open for review.

That is, the supreme court of Minnesota might conclude that it had construed the statute erroneously. The statute of Minnesota contained no provision for a review. There was not a word about review in the statute.

Mr. BEVERIDGE. In other words, if the Senator will permit me, the supreme court of Minnesota construed the law as being not only that the rates as fixed by the commission were conclusive, but as denying the right of review.

Mr. FULTON. The supreme court of Minnesota construed the law, as the Senator says, as denying the right of review. The Supreme Court of the United States intimates all through its decision that that construction was incorrect, but it said that it was bound by it. The point I want to make is that the Supreme Court of the United States did not say that because that statute contained no provision for a review it was void, but they said if the construction of the statute by the supreme court of Minnesota was correct, namely, that thereunder there could be no

judicial inquiry, then it was unconstitutional; but if the supreme court of Minnesota shall conclude that such is not the proper construction of the law, then the statute is constitutional, notwithstanding it contains no provision for a review. That is the case upon which the Senator from Pennsylvania based his entire argument—that a statute which provides no method for a review is necessarily unconstitutional. I submit the case does not bear out or support that contention, but in truth supports the contrary contention.

Mr. President, the Senator from Pennsylvania also made this further contention. In giving his reasons why this statute is in violation of the Constitution, he said:

Third. It so heavily penalizes the disobedience of the Commission's orders as to make any attempt to secure a judicial hearing in any form of proceeding impracticable.

Mr. President, that same question was raised in the Reagan case. The same contention was put forward there, and what did the court say? The court, after discussing the contention that the penalties were so extreme that they amounted to a denial of the right of review, and hence amounted to making the rate prescribed by the Commission conclusive, said:

It is enough to say in respect to these matters, at least so far as this case is concerned, that it is not to be supposed that the legislature of any State, or a commission appointed under the authority of any State, will ever engage in a deliberate attempt to cripple or destroy institutions of such great value to the community as the railroads, but will always act with the sincere purpose of doing justice to the owners of railroad property as well as to other individuals, and also that no legislation of a State as to the mode of proceeding in its own courts can abridge or modify the powers existing in the Federal courts, sitting as courts of equity.

We do not deem it necessary to pass upon these specific objections, because the fourteenth section or any other section—

That was a section prescribing penalties—

prescribing penalties may be dropped from the statute without affecting the validity of the remaining portions; and if the rates established by the Commission are not conclusive, they are at least prima facie evidence of what is reasonable and just. For the purpose of this case it may be conceded that both the clauses are unconstitutional, and still the great body of the act remains unchallenged—that which establishes the Commission and empowers it to make reasonable rates and regulations for the control of railroads. It is a familiar law that one section or part of an act may be invalid without affecting the validity of the remaining portion of the statute. Any independent provision may be thus dropped out if that which is left is fully operative as a law.

Thus it will be seen the court held that the mere fact that the penalties were excessive; the mere fact that they might, if absolutely enforced, amount to a denial of the right of the party to question the conclusiveness of rates made by the Commission, was not sufficient to justify the court in holding the law unconstitutional and void, because they say that those provisions themselves in such a case would be unconstitutional, but their invalidity would not affect any other portion of the law. So I say here, if the contention of the Senator from Pennsylvania be correct—that the penalty provisions amount to a denial of the right of the party to question the conclusiveness of the rate—that does not argue against the validity of the statute authorizing the making of rates, but it argues simply against the validity of those sections fixing the penalty. They may go out and the rest of the law stand.

Mr. President, I will not take up some questions that I had contemplated discussing, because this discussion has been drawn out to a much greater length than I had contemplated.

I want to say, in conclusion, that if I thought the omission from this law of a specific method of review would result in doing one particle of injustice or wrong to the railroad companies or to any transportation line, I would not favor such legislation for a single moment. But, Mr. President, there can be no doubt but that under this law every transportation company will have ample means and ample machinery to test the validity and constitutionality of any rate that shall be prescribed by the Commission. If they shall contend that any rate prescribed by the Commission or any order made by the Commission amounts to a taking of property without due process of law, they have ample remedy to test that question without a specific provision being placed in the law.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. FULTON. I do.

Mr. BACON. I do not know whether the Senator in the course of his remarks has covered the point to which I now direct his attention, but it is within the range of possibility, if not probability, that the time may come when parties interested other than the railroad companies, the carriers, may desire to have the order of the Commission set aside. In other words, the time may come when the influences will be such as to make the Commission rather partial to the carrier than to the

public. I do not know whether that question has been covered. If it has, I do not wish to trespass upon the Senator; but what I wish to ask him—and if he has already answered it I will not ask him now to take up the time to repeat it—is this: In case such an emergency should arise or it should so eventuate, is there any provision of law under which anyone interested in shipping over the railway lines could appeal to the courts to correct what might be deemed to be an injustice to the public under this bill?

Mr. FULTON. I think there is none. That is my understanding.

Mr. BACON. I will ask the Senator if he does not think it is important for us to guard against that possibility by incorporating in this bill some provision by which the public may be allowed to bring in question the correctness of the ruling of the Commission?

Mr. FULTON. I would call the Senator's attention to the fact that we have been over that ground to some extent. The Senator from Rhode Island [Mr. ALDRICH] made the same suggestion a short time ago.

Mr. BACON. I beg pardon; I did not know that.

Mr. FULTON. And I said then that personally I had no objection to any such provision, but really I do not think it will be of any utility. In the first place, I do not believe that there is any probability that the public will ever have reason to complain that the rates made by the Commission would be higher than the railroads would have fixed them themselves; and, in the next place, this bill, as I understand, simply provides that when complaints shall be made and an existing rate is found to be too high, to be unreasonably high, they may fix a lower maximum rate. There is not any power given in this bill, as I understand, to increase the rates that are enforced by the railroads.

Mr. ALDRICH. No one has raised any such question. Neither the Senator from Georgia nor myself made any such suggestion.

Mr. FULTON. Very well.

Mr. BACON. I suggest to the Senator that there might possibly be a case where an appeal would be made to the Commission to correct an alleged injustice on the part of a railroad. The Commission might sustain the railroad, and the shipper might wish to test the question whether or not the Commission decided correctly when it sustained the rate the railroad had made.

Mr. FULTON. That is giving the shipper the right to review. I have said, and say again in answer to the Senator, that I myself have no objection to some such provision. It is possible that the time may arise and a case may be presented when the shipper will want to exercise that right. I have no objection to it, but I am not discussing the bill with reference to that theory.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. FULTON. Certainly.

Mr. TELLER. The Senator says he has himself no objection. Who is it, then, that has objection?

Mr. FULTON. I do not know of anyone.

Mr. TELLER. The Senator does not know of anyone who objects?

Mr. FULTON. I have not heard of anyone.

Mr. TELLER. Then I do not see why we need discuss it very extensively.

Mr. FULTON. The Senator will say in justice to me, that it was not I who brought the matter up.

Mr. TELLER. The suggestion that he himself did not have objection, seemed to me to indicate that he thought there was objection on the part of somebody that made it difficult for us to act.

Mr. FULTON. I think the Senator from Colorado is entirely too suspicious. I do not know of anyone.

Mr. TELLER. If the Senator will allow me, we have been several weeks discussing this bill, and really the only difference, it seems to me, between Senators is whether we shall allow a review of the proceedings of the Commission. We hear occasionally under certain circumstances that a review may be had. The Senator from Oregon now insists, as I understand his argument, that we do not need any special provision for review, as it is in this bill.

Mr. FULTON. No.

Mr. ALDRICH. For the carrier.

Mr. FULTON. I have not made any suggestion—

Mr. ALDRICH. The right is here for the carrier, but not for the shipper.

Mr. TELLER. I was speaking of the carriers.

Mr. FULTON. I say the right of review is in this bill to the carrier to the extent that is necessary to review the orders

of the Commission to protect his constitutional right, because, in the first place, we can not deny him that right, and, in the next place, the bill does not pretend to deny him that right. If the bill sought to deny him that privilege, I would think, unquestionably, it would be unconstitutional; at least that provision would be unconstitutional. But the bill does not pretend to deny that right, and, therefore, it exists without any question.

Mr. TELLER. I should like the Senator to tell me as a lawyer what he means by "his constitutional right."

Mr. FULTON. I mean in this behalf the taking of property without just compensation, and possibly the taking of property without due process of law. I suppose those are the rights that might be brought in question in the matter of regulating rates of transportation lines. I do not know of any other constitutional provision that would be necessarily brought in question.

Mr. TELLER. I understand the Senator to say that he does not wish to have an entire review of the proceedings of the Commission?

Mr. FULTON. Yes. I do not.

Mr. TELLER. He wishes to limit it?

Mr. FULTON. Yes, sir.

Mr. TELLER. Whether that ought to be done would depend upon how the Senator might want to limit it. I do not know how much he wants to limit it.

Mr. FULTON. I thought I had explained the position I have taken on this question of review. I wish to restrict the right of review to those cases where it is necessary to protect the carrier against the taking of his property without just compensation under the rule that has been laid down by the Supreme Court.

Mr. MONEY rose.

Mr. FULTON. I will yield to the Senator in a moment. There are numerous cases where no possible question could arise about the taking of property. For instance, let me suggest this: We will suppose that a coal-mining company, having property in the immediate vicinity of the main line of a railroad, builds a side track, connects with the main line of the railroad, and asks that cars be supplied to it for its output, and the railroad company refuses to run cars into the mine or to supply it with cars, but at the same time it is supplying its competitor with those facilities. The mine owner is making no contention about the unreasonableness of the rate; he is demanding equal facilities and equal treatment. The Commission makes an order requiring the railroad company to supply him with those facilities. Would there be any possible question of the taking of property or the invasion of constitutional rights in the making of such an order as that, and would there be any reason why there should be an appeal from or a review of such an order as that? Why not make all orders of that character conclusive?

Mr. TELLER. I should like to suggest that possibly the railroad might say they were not guilty of that conduct.

Mr. FULTON. If the railroad said it was not guilty of that conduct it would be furnishing cars, would it not?

Mr. TELLER. They might say they were unable to furnish them. They might find some excuse.

Mr. FULTON. I call the Senator's attention to the fact that our courts have already established the rule in that regard; that where the railroads have not cars enough for all customers, it is their duty to make an equitable distribution of them.

Mr. TELLER. Suppose the carrier says they have made an equitable distribution? Suppose that is the issue they present; does the Senator say that can not be tried?

Mr. FULTON. Suppose the Commission says they have not. That is purely an administrative matter that the Commission is just as capable of determining as are the courts. It is not because I have any want of confidence in the courts; it is not because I question the integrity or the patriotism of the courts—there is no man who has a higher regard for the judiciary of this country than I have—but it is because it means delay and expense to the shipper that is unnecessary and unreasonable, and I insist that matters that are purely administrative shall be left to the Commission, and that their determination shall be final.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. FULTON. Certainly.

Mr. SPOONER. Is not the case which the Senator has just stated provided for by existing law? Does not the present law provide for mandamus in such cases?

Mr. FULTON. Probably. I am not questioning that. I

simply use that as an illustration of one of the cases where it seems to me there is absolutely no necessity for a review; and yet in the rate bill proposed by the Senator from Pennsylvania [Mr. KNOX] and in some of the proposed amendments—I have not read them all—but in all that I have seen all orders made by the Commission are subject to review; and an order of the character to which I have just referred under that kind of an amendment would be subject to review.

Mr. SPOONER. If I understand the bill offered by the Senator from Pennsylvania, the right of review is limited entirely to a suit to test the lawfulness of an order which sets aside an existing rate and substitutes another rate for it.

Mr. FULTON. The Senator is mistaken.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. In a moment. The Senator from Wisconsin is mistaken in regard to the construction of the bill of the Senator from Pennsylvania, or I am. We will see which one is. I read from the bill of the Senator from Pennsylvania:

SEC. 5. That the orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time as shall be prescribed by the Commission and shall continue for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission, unless sooner set aside by the Commission or suspended or set aside by order of a court in a suit to test the lawfulness of said order; but any carrier, person, or corporation party to the proceedings affected by the decision of the Commission as to the rate or practice covered by the complaint, or by its order prescribing a different rate or practice, and alleging either or both to be a violation of its or his rights may institute proceedings, etc.

As to the "rate or practice." So it would cover just the character of case I have mentioned. Now, I yield to the Senator from South Carolina.

Mr. TILLMAN. The Senator from Wisconsin [Mr. SPOONER] asked a moment ago if such a condition of affairs as that described by the Senator from Oregon [Mr. FULTON] was not already provided for by existing law. I want to ask the Senator, if that be true, how is it that the Interstate Commerce Commission, having examined the complaint of the Red Rock Fuel Company and granted it relief, so far as issuing an order was concerned, the railroad company snapped its fingers in the face of the order of the Commission, and we have not yet found any judge who has been able to give relief? Where is the existing law which grants relief for such a condition of affairs as that? Is it the failure of the judiciary to do their duty or is it in the failure of the law to provide a remedy? There is a screw loose somewhere.

Mr. MONEY. I should like to ask the Senator from Oregon a question, if it will not disturb him.

Mr. FULTON. Not at all.

Mr. MONEY. I want to say that I am asking it for information.

Mr. FULTON. I should feel very proud if I thought I was able to give the Senator information.

Mr. MONEY. The Senator can on this point. The Senator's position, as I understand, is that it is unnecessary to provide in this bill for appeals to the courts, because there is such a constitutional right in every person; that under the clauses of the Constitution providing that private property shall not be taken without just compensation or due process of law, they have their appeal to the courts. I want to ask the Senator if, in his opinion, there is any difference in standing before the court in a matter of that sort between an individual proprietor, an individual citizen, and a corporation created by the State, one part of which is dedicated to making money for its stockholders, and the other to a public utility, clothed with the power of eminent domain for the benefit of the State, speaking of the people collectively as the State? Does the Senator conceive there is any difference on that point in their standing before the court?

Mr. FULTON. My answer to the Senator is that I can conceive of no difference in their standing before the court nor in their constitutional rights or in their right to invoke the protection that that provision of the Constitution guarantees to all citizens.

Mr. MONEY. The Senator does not consider that it is modified by the fact that the corporation is its creature, organized for a public utility?

Mr. FULTON. I do not. In other words, I do not think that you can take the property of a public-utility corporation for any less compensation or under any different rule of fixing just compensation than you can take the property of a private citizen. These corporations are only public corporations in the matter of the use of their property. Their property is private property just exactly the same as yours or mine.

Mr. MONEY. I simply wanted the Senator's opinion, not having formed one myself.

Now, if he will allow me, I will ask him another question on that point.

Mr. FULTON. Certainly.

Mr. MONEY. Suppose there is no provision made in the bill as suggested by the Senator and outside of the constitutional rights, with respect to just compensation, and due process of law, would not the aggrieved party have a common-law remedy?

Mr. FULTON. That is, if there were no provision for a review?

Mr. MONEY. If there were nothing of that sort in the bill.

Mr. FULTON. That is the argument I have been attempting to make; that has been my contention throughout, that it is not necessary to prescribe a particular or any method of review; that the party has that right under the Constitution, so far as is necessary to protect his constitutional rights.

Mr. MONEY. I understood that to be the Senator's argument, but I wanted to ask him if a party did not have a common-law remedy, independent of his constitutional right.

Mr. FULTON. If I understand the Senator correctly, I will say "No," because I should say that if there was no provision in the Constitution which guaranteed the party against the taking of his property without due process of law, or, in other words, if there were no written Constitution against the taking of property without due process of law, without just compensation, I do not know of any remedy that a party would have if Congress should pass a law appropriating its property to a public use. It is possible that that principle which protects property and life is superior even to constitutions, and it is possible that the courts would say: "That is a principle which the courts will enforce without a constitutional limitation protecting the citizen." I am not certain about that, but I am very clear about this, that so far as the right of Congress to legislate is not restricted by any constitutional provision the provisions of the Congressional act can not be brought in question at the suit of anybody, and it is only when a party can bring himself under some constitutional provision, when he can appeal to some constitutional right, that he can question the validity of an enactment of the legislative body exercising its legislative power.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. FULTON. Certainly.

Mr. ALDRICH. If this bill should become a law in its present form, would a carrier have a right to insist that the rates fixed by the Interstate Commerce Commission should be just and reasonable?

Mr. FULTON. Would he have a right to insist that the rates should be just and reasonable?

Mr. ALDRICH. Yes.

Mr. FULTON. The law says that they shall be just and reasonable.

Mr. ALDRICH. Does that make them so?

Mr. FULTON. The presumption is they will be just and reasonable.

Mr. ALDRICH. Can that be questioned by the carrier?

Mr. FULTON. If the rates are unreasonable to the extent that it amounts to the taking of the property of the carrier without just compensation, yes; it has a remedy.

Mr. ALDRICH. But if the rates are not unreasonable to that extent, but still unreasonable, has it any remedy?

Mr. FULTON. If there is a line of demarcation, then it has none. I am not certain whether under the decisions of the Supreme Court of the United States there is any difference. I am not so certain that there is a broad ground between what is just and reasonable on the one side and that which is extortionate on the other side. I am confident that under the decisions of the Supreme Court what is meant by a just and reasonable rate is a rate that will give revenue not only sufficient to meet the expenses of operating the railroad or the transportation line, but which will give a sufficient return to give reasonable profit on the investment. I think that is the rule.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I will in just a second. If that is the true rule, that a party is entitled to charge a rate that will give him a fair return on his investment, then the rate to be reasonable must allow that, and when you go beyond that, it seems to me, the rate becomes unjust and unreasonable. Still, it is contended by many, and I am not disputing it, that there is a wide field between the just and reasonable rate and the extortionate or unreasonable rate, which may be said to be the zone of discretion.

Now, I yield to the Senator from Idaho.

Mr. HEYBURN. I should like to suggest to the Senator

from Oregon whether that rule would not amount to underwriting the stock and bonds of the common carrier to the extent of the guaranty of a given, fixed, definite income?

Mr. FULTON. The Supreme Court has explained that in several decisions.

Mr. HEYBURN. If the Senator will give me his attention for a moment—

Mr. FULTON. I will.

Mr. HEYBURN. I think it is an important consideration. If, under the interpretation of the law as I understand the Senator to have stated it, the road may be assured a profit fixed, reasonable, and certain, I wish to inquire whether that does not amount to an underwriting of the stock and bonds of the transportation company upon the guaranty of the Government, and whether that is the kind of a law the Senator would have enacted?

Mr. FULTON. The Supreme Court has answered that question for the Senator, as he is doubtless aware. It has said that there may be cases where the corporation is not entitled to charge rates sufficiently high to pay dividends; there may be cases where the road has been built so extravagantly that its cost has been run up to an unreasonable amount. It may have unfortunately built it where there is very little business or not sufficient business to pay reasonable returns on the amount of the investment, or it may be operated extravagantly. In that sort of a case the carrier would not be entitled to make the profit that it would where it had the business which would justify a profit or where the road was economically conducted. But I am speaking of normal conditions. I am not speaking of exceptional or extraordinary conditions.

Now, take a railroad that is run under normal conditions, where it may earn a reasonable profit by charging reasonable rates, certainly the Commission should be empowered to restrict it to such rates, and the railroad should be required to conform to such rates.

Mr. HEYBURN. I will ask the Senator if that would not necessarily permit a railroad to charge any rate, within the rule of reasonableness, that might be necessary to make it a paying institution?

Mr. FULTON. No; not unless the conditions under which the railroad was operating justified it.

Mr. HEYBURN. Then I would ask whether those conditions might not be taken advantage of by a railroad company as a justification for charging any rate that would be equivalent to a profit, within the limits the Senator has mentioned, and would not that amount, as I repeat, to a guaranty of an income upon the cost of the railroad as represented by its stocks and debentures?

Mr. FULTON. Oh, I submit, with all respect to the Senator from Idaho, that he hardly submits a fair example. I think under the decisions of the Supreme Court the rule which the court will enforce is not difficult to understand. If a railroad is extravagantly managed, if unreasonable salaries are paid, and because of these unreasonable salaries the road can not charge reasonable rates and pay dividends, then it must suffer the consequences. It can lower the salaries if it sees fit, but it can not keep the salaries up to an unreasonable amount and charge unreasonable rates to meet them. In other words, the rule that will undoubtedly be enforced by the court is this: That a transportation company must be conducted along reasonably good business lines, under reasonably good management, and so conducted it is entitled to a reasonable return if the business of the company is such as will justify it.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. FULTON. I do.

Mr. FORAKER. The effect of what the Senator is saying is very important and very interesting. If I understand him, it is his idea that if we go into the rate-making business, as proposed in this legislation, it will be a part of the duty of the Interstate Commerce Commission to look at the conduct of the road generally in determining whether or not a fixed rate which has been challenged is reasonable; that it will go to the extent, in such a case, of considering the salaries paid to the officials who operate the railroad; I suppose the wages paid to employees, and I suppose the conduct of the road generally; and I state this, while I am on my feet, only suggestively, so that the Senator may answer it or not, whether it is necessary, as the officials of the road may have deemed it necessary, to expend the amounts of money they have been expending for the construction of new bridges, the elimination of curves, the reduction of grades, the enlargement of tunnels. The general conduct of the road; in a word, necessarily follows, does it not,

In order that the reasonableness of the rate may be intelligently determined?

I do not state this in an idle way, but in a serious way.

Mr. FULTON. I think the Senator is correct.

Mr. FORAKER. I think so.

Mr. FULTON. Yes; I think the Commission, when it undertakes to prescribe rates, must take into consideration all the business, the environment, the character of the property, the necessity for renewals, extensions, and every matter that a business man would take into consideration in the management of it.

I have no doubt, speaking of a railroad "enjoying," if I may use the term, normal conditions, normal surroundings, that such would be the rule. But, of course, there can be extreme cases imagined where a railroad has been built through a non-productive country or where it has been built at an extravagant cost and price. It can not, simply because of its misfortune in those respects, rob the people by outrageous prices in order to make the two ends meet. It must suffer the same consequences that a business man does in making a bad venture.

If it is conducting its business in a business way—in an economical way; if it is not paying unreasonable salaries, and is receiving a reasonable income, to which it may justly look for a reward and a just return on its investment, the Commission should, and the court will insist that the Commission shall, allow it to have such rates as will give it a reasonable return and a reasonable reward under those conditions. But that is all it is entitled to.

Mr. ALDRICH rose.

Mr. FULTON. I am anxious to close. I will yield to the Senator in just a moment, if he wishes me to. I was approaching this proposition: The fact that the courts have established so liberal a rule as to what constitutes a taking of private property for public use and what constitutes just compensation for the taking of private property for public use, is one reason why I have been willing to restrict this inquiry by the courts to the mere question as to whether or not the constitutional rights of the carrier have been invaded.

Had the court announced a less generous rule, had it said that the just compensation to which the railroads are entitled is merely enough of receipts to pay the cost of operation and of keeping up its property, I would not consent to limit this right of review to constitutional questions. But since the court has made a liberal rule and has said that the carriers are not only entitled to that but are entitled to a reasonable return on their property when managed in a reasonably good business manner, I think that is a safe enough rule for them, and we can safely, reasonably, and justly restrict them to a rule that will simply protect the constitutional rights as declared by the Supreme Court to be.

Now I yield to the Senator from Rhode Island.

Mr. ALDRICH. As I understand the contention of the Senator from Oregon, it is this: That under an effort made by a carrier to assert its constitutional rights, the question of the justness and reasonableness of the rates must be inquired into and inquired into upon the basis now suggested by the Senator from Oregon.

Mr. FULTON. Of course. I have no doubt about it.

Mr. SPOONER. Mr. President—

Mr. FULTON. Allow me to answer the Senator from Rhode Island.

I have no doubt about this. Should a corporation present a bill in equity, alleging that certain rates prescribed by the Commission amount to a confiscation of its property to this extent, that it deprives it of earning a sufficient return to meet its expenses and pay any profit, or a fair profit, the court will inquire into that rate and ascertain and determine whether or not the contention is true; and if that contention be found to be true, I have no doubt the court would enjoin the rate. Now I yield to the Senator from Wisconsin.

Mr. SPOONER. Only a question, to get at the Senator's ideas. Of course, it is not an appeal from the order of the Commission, because it is an administrative, a nonjudicial body. But it is an original bill filed in the circuit court of the United States.

I want to ask the Senator what he means by restricting the judicial power of the United States in such cases; whether he thinks the Congress can by any legislation exclude from the consideration of the court in such a case any right under the Constitution and laws of the United States which the complainant alleges and establishes has been invaded?

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. FULTON. I should first like to answer the Senator from

Wisconsin, unless the Senator from Minnesota desires to answer him.

Mr. NELSON. I want to answer the question.

Mr. FULTON. Very well; I will allow the Senator to answer it, and then I will answer it.

Mr. NELSON. The Constitution of the United States committed to Congress, and not the courts, the power to regulate commerce. If that power is given to Congress, why should we delegate any part of that power to the courts? The only power reserved to the courts is simply to see that we have not exceeded our constitutional powers—in other words, violated the fifth amendment. If you undertake to cover the right of appeal or review further than that, you withhold a part of the power that is given to Congress by the Federal Constitution.

Mr. SPOONER. The Senator from Minnesota does not answer my question.

Mr. FULTON. If the Senator will allow me, I understood his question to be this: Can Congress deprive the court of the right to inquire into a carrier's complaint, exhibited in a bill in equity, charging that an order of the Commission in any respect invades its constitutional rights?

Mr. SPOONER. Rights under the Constitution and laws of the United States.

Mr. FULTON. "Under the Constitution and laws of the United States" suggests two propositions. Under the Constitution of the United States is one proposition, and under the laws of the United States is another proposition. I say you could not deprive the courts of the power to inquire into the constitutional question, but that any right which a party has under the laws of the United States must be a right that is given to him by the laws of the United States, and may be regulated and the remedy restricted or denied as Congress sees fit.

Mr. SPOONER. What I ask the Senator is this: Is it competent for Congress to prevent a citizen of the United States, in any case in which the United States courts have cognizance, from filing a bill to protect him in the enjoyment of any right secured by the Constitution and laws of the United States?

Mr. FULTON. No. I will answer the question of the Senator by saying, no—if he has the right; but Congress can say whether or not he shall have a right to appeal to the courts to enforce a right given to him by Congress.

Mr. SPOONER. Yes; but the right which I understand he is appealing to the court to protect is not a right given to him by Congress, or a right that can be taken away from him by Congress.

Mr. FULTON. What is the right?

Mr. SPOONER. It is a right which exists under the fifth amendment to the Constitution of the United States.

Mr. FULTON. Very well. Have I not said that?

Mr. SPOONER. I know; but what does the Senator and others mean by using in that connection the words "restricting the right of review?"

Mr. FULTON. I tried to instance—

Mr. SPOONER. It is not a review. It is not an appeal. It is an original bill to secure a right under the Constitution and laws of the United States.

Mr. FULTON. Very true.

Mr. SPOONER. If no right exists under the laws of the United States, that is one thing; but if the right exists under the Constitution or under the laws of the United States, is it possible to restrict the judicial power as to that right?

Mr. FULTON. No; if the right exists.

Mr. SPOONER. Of course.

Mr. FULTON. It is very true that this proceeding, as the Senator says, is an original proceeding. It is not an appeal. In one sense you may say it is not a review, but we call it review. It is a convenient term, and we all know what we mean when we speak of the "right of review."

I answer the Senator by saying no. Speaking broadly, if the party has a right under the Constitution or laws of the United States, we can not prevent the courts of the United States from taking jurisdiction to enforce his right, but we can say whether or not he has a right to litigate in the courts a certain question which arises under a law of Congress. Aliens have a right to land in this country.

Mr. ALDRICH. They have no such right.

Mr. SPOONER. No.

Mr. FULTON. They have a right—

Mr. SPOONER. No.

Mr. FULTON. Certain aliens have a right to land in this country under the laws of Congress, but Congress restricts the right.

Mr. SPOONER. Whether an alien can land in this country—

Mr. FULTON. If the Senator will kindly wait a moment,

the Supreme Court has held, in the interpretation of the Chinese-exclusion act, as the Senator is well aware, that under the law of Congress which excludes Chinese from coming into this country Congress may clothe a purely administrative body with the right to determine whether or not a man is a citizen; whether or not he is a Chinaman, and if the board says he is a Chinaman, it can exclude him. And it was, I confess, to my utter amazement and astonishment that the court in one case held that even if the party demanding admission contended that he was a citizen of the United States he could not appeal to the courts under the writ of habeas corpus act and have that question litigated, but that he was bound by the ruling of an administrative officer. In that case the applicant for the writ of habeas corpus claimed to be a native-born citizen of this country. I do not believe, I will say, with all due regard and the highest regard for the Supreme Court, that particular decision is good law.

But there are cases of that character where Congress creates the right in a party—and I only cite that as an extreme case for the purpose of illustration—where Congress has the power to restrict the right and determine to what extent, if any, the party is entitled to a judicial trial or investigation.

Now, then, Congress or State governments create these corporations; give them the right of eminent domain; give them the right to collect charges; give them the right to make rates; give them the right to engage in interstate commerce. There are certain things that Congress may regulate and limit in the execution or enjoyment of the rights it has given those corporations to employ in interstate commerce. It may not take their property from them without just compensation; it may not deprive them of their property without due process of law. But there are matters which it has given them the right to do—to build railroad tracks, sidings, to connect with other public utilities, factories, shippers—and Congress may say to what extent they shall be subjected in the exercise of such rights to the control of a commission appointed and created by Congress, and whether or not the determination of the Commission shall be final and conclusive.

Take the instance I suggested a while ago—

Mr. SPOONER. You do not mean that?

Mr. FULTON. Yes; I do.

Mr. SPOONER. The Senator does not mean to say, of course, that Congress can commit to an administrative body the power to fix a reasonable rate and to make that finding conclusive.

Mr. FULTON. No; I did not say "rate."

Mr. SPOONER. That is what we are talking about—rates.

Mr. FULTON. But I did not use the word "rate." I said there were many administrative matters such as the matter of sidetracks, building bridges, etc., which a corporation could not exercise at all did we not give them the right to exercise them. The corporation could not build a mile of railroad if it were not authorized by the Government to do it. The Government authorizes it to build switches to connect with shippers. It can only do that by the grace and authority of the Government. When it does it by the grace and authority of the Government, that is one of the rights which the Government can absolutely restrict and prevent it going into court to litigate. It can attach that condition to the exercise of the right. It can create an administrative board. It can commit to that administrative board the power to pass on questions of that character, and it is "due process of law" in such cases.

Now, the Senator will not contend, I am sure, that due process of law means judicial investigation in all cases. Due process of law in many instances is satisfied when an administrative board or body has inquired into and determined the matter. The Senator will not dispute that, I submit.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. Certainly.

Mr. TILLMAN. If the Senator will permit me, I will direct his attention to another phase of this power that is not reviewable. It is in the Post-Office Department. The Postmaster-General is authorized by act of Congress to take into consideration whether the mails are used by any person with a view to defraud, and then, by issuing a fraud order, which may or may not be based upon a just conclusion and a true statement of the facts, property may be destroyed or rights taken, and there is absolutely no appeal to the courts, and the citizen can not get into the courts in those cases.

I have had complaint after complaint come to me, pointing out wherein fraud orders have been issued against certain parties and their property destroyed and they have tried to get into court to test the matter to see whether they were being

robbed or imposed on and they can not get in at all. Why? The Congress did not permit it.

Mr. FULTON. There is something in what the Senator argues on that proposition. The right to enjoy the facilities of the mail is not a natural right, but a right granted by Congress, and of course Congress can restrict a right to investigate or review its orders in that regard. There is very much in what the Senator from South Carolina says.

Mr. SPOONER. I should like, if the Senator will permit me—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. FULTON. I shall be very glad to have the Senator ask me a question.

Mr. SPOONER. The Senator has made a very thoughtful and able speech. We all want to get at the right of this matter. I wanted to bring the Senator back for a moment to one point. I agree with what he has been saying in answer to the Senator from South Carolina, although the court distinguishes the post-office matter as being entirely different from the question which we are discussing.

Mr. TILLMAN. It is very unfortunate for me that whenever I get the Senator from Wisconsin up against a proposition of constitutionality he begins to say the court distinguishes between my contention and his own.

Mr. SPOONER. It may be unfortunate for the court from the Senator's standpoint, but I will undertake to satisfy even the Senator, and that is easy—

Mr. TILLMAN. I am always reasonable, I hope.

Mr. SPOONER. That the Supreme Court of the United States has distinguished between the exercise of the power to which he refers in post-office cases and the power of taxation and the exercise of the power of eminent domain and the question we are discussing and considering here. I have not the decision here, but I am perfectly familiar with them, and the Senator is not. I will bring them to his attention, and if he has any complaint to make it is with the Supreme Court and not with me.

I want to bring the Senator from Oregon back to this question if he will, for a moment, to see what he means by a restricted review. He concedes—he must concede—that while in cases like the Chinese case, and other cases which are referred to by the court, there may be committed to an administrative body, executive officials, the determination of questions of fact and their conclusion may be final, it is not true that the fixing of rates by this Commission can not be made final or conclusive.

Mr. FULTON. I agree to that.

Mr. SPOONER. The Senator agrees to that, of course. The carrier may go into court and complain that the rate is such as to deprive him under the Constitution of the just compensation which that instrument secures to him.

Now, I want to ask the Senator if, the amount being sufficient, it is competent for Congress to deprive any citizen of the right to assert, or of the court to determine or adjudicate upon the right, which he claims under the Constitution or laws of the United States is invaded? The judicial power extends to rights arising under the Constitution and laws of the United States. Where does this power to restrict come in the case we are talking about here? It can not fall short of just compensation, the Senator will admit, which Mr. Justice Brewer says is the full and fair equivalent, and must be the full and fair equivalent. Beyond that, what can there be, unless it be that the Commission exceeds its power in some way? If the Commission exceeds its power under the law which creates it and which governs it, the Senator will admit that that is a subject of adjudication—

Mr. FULTON. Certainly.

Mr. SPOONER. By the court, and that power can not be taken away from the court. Now, where do we differ?

Mr. FULTON. I hope that we do not differ. I hope the Senator takes the same view I do. I suggested in the early part of the discussion, and I was quite sure he would—

Mr. SPOONER. What does the Senator mean, then, by restricting the party in this question?

Mr. FULTON. I mean, as I have endeavored to explain several times, that I would restrict the party or the court on a suit instituted for the purpose of inquiring into the legality of an order of the Commission to an inquiry as to whether the enforcement of the order would amount to a taking of the property without just compensation. The burden of proof would necessarily be on the party asserting that it did amount to that; and if he failed to show that it did amount to a taking of property without just compensation, the meaning of which the court has so frequently described, the court could not inquire further. The court could not go on and substitute its discretion for that of the Commission. I would not have the court authorized to go into the inquiry that far.

Mr. SPOONER. Could we confer that power?

Mr. FULTON. I suppose we could provide for a trial, *de novo*, if we wished to. We authorize the Commission to fix reasonable rates. We say that a reasonable rate must be such a one as will afford just compensation. I do not know how much ground there is between the line marking reasonable compensation and the line where the rate becomes exorbitant. Is there a broad space between the two lines within which discretion may be exercised? I do not know. I am not sure about that. It is contended by many that there is. But I am very sure that if we restrict the judicial inquiry to inquiring as to whether or not the rate that has been fixed by the Commission is unreasonable to the extent that it deprives the carrier of a just return on his property, we will not do him an injustice.

Mr. HEYBURN rose.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. HEYBURN. I should like to inquire of the Senator, because of a remark which he has just made, whether he believes Congress can restrict the judicial power at all. The Senator speaks of limiting the judicial power.

Mr. FULTON. I do not think that I have spoken of limiting the judicial power. If so, I have done it unintentionally.

Mr. HEYBURN. I did not know whether the Senator used it intentionally or not. He spoke of restricting the judicial power.

Mr. FULTON. The power of the court, under this act, to inquire into the reasonableness or unreasonableness of a rate may be a part of the judicial power, but it is not restricting the judicial power when I say that the inquiry of the court shall be confined to a case involving the question of the constitutionality of the rate.

Mr. HEYBURN. I should like to know where the line is to be drawn after the court has jurisdiction of a question as to the measure of its power. Does the Senator think, the court having jurisdiction of a question, Congress can say how far it shall exercise its judicial power?

Mr. FULTON. I do not think that question arises here.

Mr. HEYBURN. It seems to me that it does upon the consideration of the very proposition just submitted by the Senator. I should like to have the Senator's attention for a moment.

Mr. FULTON. Certainly.

Mr. HEYBURN. The distinction which governs that was clearly drawn in the Constitutional Convention by Mr. Madison. When the Constitution was originally reported from the Revision Committee what is now section 2 of Article III was section 3 of Article XI, and it thus remained for consideration before the Constitutional Convention about three weeks. The language used in the beginning of section 3 of Article XI was "the jurisdiction of the Supreme Court" shall attach to the various subjects that are now comprised in section 2 of Article III of the Constitution. On the motion of Mr. Madison, seconded by Gouverneur Morris, the language of that section was changed so that instead of reading "the jurisdiction of the Supreme Court of the United States shall apply" it was made to read as it reads now, for the purpose of obviating the very suggestion contained in the Senator's remarks—that the same degree of power should be conferred as to the class of actions enumerated in section 2 of Article III, which was then section 3 of Article XI, as was conferred by section 1 of Article III, showing that the Constitutional Convention had in its mind to draw clearly the distinction between jurisdiction and power. And the courts—

Mr. FULTON. Now, if the Senator will allow me, I wish to conclude my remarks.

Mr. HEYBURN. Allow me to finish my sentence. The courts having retained jurisdiction, I inquire whether the Senator thinks the jurisdiction of the court, having attached to these subjects-matter or the litigation, an act of Congress can say how far that power shall be exercised?

Mr. FULTON. I agree with the Senator, if that is his contention, that if we give the court jurisdiction of a particular subject, we can not regulate or say what character of judgment the court shall enter. I admit that there is a vast difference between judicial power and jurisdiction, and I admit that the judicial power which is conferred by the Constitution can not be restricted by legislation, nor can its exercise be restricted. But we may say whether or not the court may take jurisdiction of a certain case. Granting it jurisdiction of the case, however, we may not restrict its judicial power. It seems to me that there may be a broad space between a reasonable and an unreasonably high rate, and within that zone the fixing of a reasonable rate is a matter of discretion.

Mr. HEYBURN. I should like right there—

Mr. FULTON. When you get beyond the line where it is simply a reasonable rate, to the extent that it affords a just compensation to the carrier, there is a broad field for the exercise of discretion—purely discretion. I would not give the court power to go into that and substitute its discretion for the discretion of the Commission. I would not grant it jurisdiction in such a case. That is different from granting it jurisdiction and then attempting to limit its judicial power.

Mr. HEYBURN. Now, if the Senator will permit me, he admits that we can not control the ultimate decision. Can it be possible, then, that Congress can prescribe a rule by which that decision or conclusion is to be reached? Inasmuch as this proceeding is in equity, can we say by what process or to what extent the mind of the chancellor shall be subjected in order that it may be convinced of the right of a cause? Can we place any limitation upon the mental process or can we prescribe the limit beyond which the mind of the chancellor shall not go?

Mr. FULTON. No; the Senator is very correct about that. There is no dispute between us on that proposition. But we do not give the court jurisdiction of the case. We do not give the court jurisdiction of any case under this bill; but under the Constitution the court has the right to take jurisdiction of a case to preserve the constitutional rights of the citizen, to inquire whether his property is being taken without just compensation. The inquiry of the court is limited to that. That is the case before the court.

Now, how far the court will go in saying what is a reasonably compensatory rate is for the court to say. We can not by law say that the court shall say this or that is a reasonably compensatory rate. If we could, we could make a rate fixed by the Commission conclusive. We could do the one just as well as the other. That is a matter which rests in the sound discretion of the court. But we can establish the broad proposition that the rates shall remain as the Commission fixed them unless they violate the constitutional rights of the party to the extent that they amount to a taking without just compensation.

Mr. HEYBURN. Mr. President, I will ask, Can we say that?

Mr. FULTON. As the Senator from Wisconsin [Mr. Spooner] suggests to me, we do not have to say that. If we say nothing, as I propose this bill shall, and as it does at the present time, that is all the court can do.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield further to the Senator from Idaho?

Mr. FULTON. I will yield for a question, but I will say to the Senator, with all kindness, that I am very tired, and I rather suspect the Senate is, too. I should like to finish.

Mr. HEYBURN. I do not think the Senate is at all weary of the very excellent argument the Senator has been making. I will not prolong the Senator's time.

Mr. FULTON. If the Senator wants to ask a question, I will yield to him.

Mr. HEYBURN. I will say what I have to say in my own time. It was rather a commentary upon the Senator's remarks than a question.

Mr. FULTON. Then, Mr. President, I will conclude the statement that I started in to make some time ago. In view of the very liberal rule which the court has made as to what constitutes just compensation, it does not seem to me that we are fixing a rule that will work a hardship on the carriers when we say that so far as the right of review is concerned it shall be limited to that. I thank the Senate for the consideration shown me, and I yield the floor.

Mr. LONG. Mr. President, I desire to offer an amendment. I send it to the desk and ask that it be read.

The VICE-PRESIDENT. The Senator from Kansas proposes an amendment, which will be read.

The SECRETARY. On page 11, line 5, after the word "prescribed," strike out all of said line down to and including the word "jurisdiction," at the end of line 9. On page 14 strike out all of line 18 down to and including the word "effect," in line 2, page 15, and in lieu of the words stricken out on page 14 insert the following:

That all orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time as shall be prescribed by the Commission, and shall continue for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission, unless sooner set aside by the Commission or suspended or set aside in a suit brought against the Commission in the circuit court of the United States, sitting as a court of equity for the district wherein any carrier plaintiff in said suit has its principal operating office, and jurisdiction is hereby conferred on the circuit courts of the United States to hear and determine in any such suit whether the order complained of was beyond the authority of the Commission or in violation of the rights of the carrier secured by the Constitution.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. LONG. Mr. President, with the indulgence of the Senate, to-morrow, immediately after the conclusion of the morning business, I shall speak upon the amendment.

Mr. HEYBURN. Mr. President, it had not been my intention to make any remarks upon the pending bill to-day, but in view of the conditions that have arisen I will ask the indulgence of the Senate for a few minutes. I will call attention to some features of the bill which seem to me absolutely essential to be considered and determined before we can intelligently meet the expectations of the people by this legislation.

The bill does not provide any remedy by review on the part of the real party in interest, the producer and the shipper. It is the interest of the producer and shipper that we are supposed to be trying to protect in this legislation, and yet there is not one word or declaration in the bill that gives either the right to appeal from the decision of the Interstate Commerce Commission under any circumstances. Thousands of complaints have been filed with the Commission since its creation that have been adversely determined or not determined at all. The shippers have stood mute and silent because the law afforded them no remedy except the expensive common-law remedy of going into a court to recover damages at their own expense from the corporation at whose hands they were wronged.

Can it be possible that any effective or sufficient legislation upon this question of regulation of freight rates in the interest of the producer and shipper can thus ignore them, place them absolutely at the mercy of the Interstate Commerce Commission, and give them the right to appeal neither from the decision of that Commission nor to the courts? Can it be possible that such a class of legislation will meet with the expectations of the people or that it will cover their necessities? I do not think so, and I think before this question leaves this body we will have found it necessary to give the producer and shipper their day in court, too. Where, under the provisions of this legislation as proposed in any measure before this body, is the producer or shipper given his day in court, except the vicarious provision that he may through the guardianship of the Interstate Commerce Commission, if in the wisdom of the guardian he has been wronged, have his rights reviewed?

I commend that to the consideration of those who have framed and presented this measure to the Senate as one that they will have to answer to the people for when in their hour of disappointment they shall realize that they have simply had a guardian appointed for them.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. With pleasure.

Mr. KNOX. I quite agree with the Senator from Idaho in his observations, so far as they extend to the bill under consideration; but he asks where in this bill or in any other bill which has been proposed is there a provision for protecting the right of the shipper and giving him his day in court? If the Senator will do me the honor to read the bill I proposed, he will find that that provision is specifically in that bill, and that from any order the Commission may make the shipper or any other party to the proceeding may carry the case into court.

Mr. HEYBURN. Mr. President, I did not intend that my remark should be so comprehensive as it seems to have been. I was referring more particularly to the measures that had been presented to the Senate by the committee having charge of the pending bill. I will, in justice to the Senator from Pennsylvania, say that the provisions of the amendment suggested or introduced by the Senator go much further in the right direction than do any of the provisions of the bills that have come from the Interstate Commerce Committee of this body. Now, I would not under any circumstances be guilty of disrespect or of a slighting remark with reference to that committee. Through many long months it labored conscientiously with this question in its endeavor to solve it and present a bill that would cover the necessities of the people; and it did bring in here doubtless a more comprehensive bill, something that more nearly approaches a protection of the rights of the shipper than anything that had been presented to the Senate before. But the committee, unfortunately, did not entirely agree among its own members as to what was necessary to meet the emergencies of this situation; and, Mr. President, it is now out of the hands of that committee. This bill is before the greatest legislative committee in the world—the Committee of the Whole of the United States Senate. Every member of this body is a member of that Committee of the Whole. We are here to consider this bill as a matter of first intention; and, if we can, to gather up out of all that is before us that measure of wisdom that will meet the requirements in reference to rate legislation.

Mr. President, it is just as necessary that the producer and shipper should have their day in court and that their constitutional rights should be observed as it is that the carrier should have his day in court.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. DOLLIVER. I understand the Senator to say that the shipper ought to have the right to have the order of the Commission fixing the maximum rate reviewed in the courts. Do I understand him correctly?

Mr. HEYBURN. Yes.

Mr. DOLLIVER. Would the Senator be kind enough to state what remedy the courts could give the shipper in such a case? If I understand it, the jurisdiction of the court is very simple in such a case. It has the jurisdiction to affirm the order and it has the jurisdiction to vacate it. If the order is affirmed, the shipper is just where he was; if the order is vacated, the shipper is thrown back upon the original railroad rate and regulation. I should like to understand upon what theory the Senator expects the shipper to cast his fortunes in a litigation of that sort?

Mr. HEYBURN. If the decision of the Commission is affirmed, it is true the shipper is just where he was. He is under the guardianship of the Commission. If the Commission has erred and the court sustains the contention of the transportation company and turns down the contention of the shipper, the shipper is just exactly where he was, suffering under the wrongs of which he complains.

Here is the vice contained in this bill. It is on page 39 of the reprint. I will read it. After providing that the party may bring his suit in his own name and on his own responsibility to recover damages, etc., it says:

But such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt.

That is to say, when a person has complained to the Interstate Commerce Commission, of course he is taking the chances on their determination of the matter. He is compelled by the provisions of the bill to elect, in an hour when he can not exercise any discriminating judgment as to what would result best for him, whether he will abide by the decision of this Commission, which is a mere arbitrator, or whether he will preserve to himself his constitutional rights to maintain an action in his own name. While I have my doubts about the court sustaining an objection to his proceeding in a case, notwithstanding the fact that he had placed his case in the hands of the Commission, yet we are to take this bill upon its face, and if he has once submitted his case to the Interstate Commerce Commission, according to the terms of this bill, he is precluded from exercising his constitutional right to test the reasonableness or the justness or the legality of the rate from which he has appealed or the conditions to which he has objected.

I ask again, Where and when does the producer or shipper have his day in court, when the bill by its own terms provides that, having taken advantage of this measure, he may not again appeal to the court under the constitutional right which is inherent in him?

I merely intend to-day to suggest these objections. They will have to be answered in the minds of Senators before they cast their last vote upon this question; and before this bill leaves this body we shall be compelled to take up the producers' and shippers' side of it. The producers, the shipper, and the consumer are the parties whose interests are very closely woven together in this matter, and the bill has not been discussed from the standpoint of either the consumer of the commodity or the shipper of it, who generally is the producer of it or the factor of it. All of the energy and intelligence of this body has been directed rather to how and to what extent we could deal with the rights of the transportation company.

The transportation company is not necessarily the enemy of the producer of commodity or the factor of commodity or the shipper of commodity. It is presumed that in the majority of cases the law of contract would be sufficient, but this proposed law is dealing only with those cases where the law of contract is not sufficient, because, if the law of contract were sufficient, there would be no complaint filed with the Interstate Commerce Commission.

I commend these thoughts to Senators, that they may deal with them, because the people are going to inquire, "Well, what have you done for us?" They are going to say, "We were not asking you to punish in a punitive way the transportation companies of the land; they are not our enemies; we only ask you

to adjust the rights between us, and to provide a remedy for their enforcement."

The Constitution of the United States has provided the courts, it has given them judicial power, and we can not take it from them; we can not change the processes of their action; we can not prescribe a rule by which the mind of the chancellor shall be convinced; we can not limit the scope of inquiry that the chancellor demands in order that he may conscientiously deliver his decree.

Much of this discussion—and I say in all respect to Senators—seems to me to have been directed to this, perhaps I might term it misconception of the distinction that was made, and made deliberately, in the framing of the Constitution of the United States, between judicial power and jurisdiction. One begins after the other has performed its duty. The power is given by the Constitution; the jurisdiction is apportioned and divided by Congress, subject to the limitations of the Constitution.

The Constitution, in order that there might be no uncertainty in a certain line of cases or under certain conditions, prescribes not only the power, but the jurisdiction, and in the second section of Article III of the Constitution the power is given to the courts to deal with certain questions. That did not mean to deal with them at the whim and caprice of changing fancy or of changing Congresses. It meant that it should be a substantial right that should be the same yesterday, to-day, and to-morrow. We apportion the jurisdiction between the courts where the Constitution has not done it, and only in those cases; but we do not limit or apportion the power of the court.

The court of equity, as was said by Lord Eldon in a celebrated case, having once the power to determine a question, regulates its own jurisdiction so far as the method of exercising that power is concerned, and it has been said, in reviewing that case, by more than one eminent jurist of this country, that the rule stated by Lord Eldon in that decision—I believe it was in *11 Vesey*—ran all through the jurisdiction of the courts of equity of the United States in dealing with its functions; that it was not subject to be changed or modified by the legislature of either the States or of the United States; that the power being in the court, it being a coordinate branch of the Government, the manner of the exercise of that power was for the court, and not for the legislature. We enact a law. It is for the court to say whether or not that law is in conformity with the Constitution of the United States—that great sailing chart of the ship of state, which, perhaps, is the best drawn legal document of which there is any record in the history of this or any other country.

Mr. President, I do not intend to elaborate to any great extent upon this idea. I merely want to set it abroad. I made a suggestion while the Senator from Oregon [Mr. FULTON] was speaking, which has some force, which I desire to commend to the consideration of Senators. If we are to declare a rule here, or if we are to assume that the decision of the courts has established a rule that every transportation company in this country is entitled to earn, and to be guaranteed and protected in earning, a given percentage upon its investment on the value of its property, it amounts, as I said before, to underwriting the stocks and bonds of that railroad company. If we take the value of the stocks and bonds of a railroad company as the basis upon which to estimate the earnings that that railroad is entitled to make, and we say to the world that we thereby authorize this railroad or transportation company to make such charges for its services as will yield it 6 per cent upon its investment, what have we done? We have created a class of investments, whether it be the stocks or bonds of these railroads, that are better and worth more than the bonds of the Government or any of the municipalities within the Government. We say to investors, "The Government is behind you; we will protect you and guarantee you the right to earn 6 per cent upon these stocks or bonds," have we not? Do we intend to do it? I think not. I think if we should do anything that could be so construed, we would be called to account for it by the people upon the very first occasion when they had the opportunity to do so.

I desire to call attention to but one more question to-day. It is an important question, and is another question that has to be solved. It is one that was suggested to me by the amendment that was offered by the Senator from Pennsylvania [Mr. KNOX] with reference to the disposition of the funds deposited in court during the review of the decision of the Interstate Commerce Commission. I want to inquire as to the manner of the disposal of that fund, because it will in some cases amount to hundreds of thousands of dollars. I have an item of shipment of stock from the State of Idaho alone, some 8,000 cars during

the last stock-shipping season, which would amount to more than a million dollars in freights; and a difference of 3 per cent between what the shipper thought was a fair rate and what the railroad company claimed was a fair rate would amount to an ordinary fortune. That money is provided to be deposited in the court or to be represented by a bond that is equivalent to the cash.

Before the question is settled as to who was right in that controversy, as to whether the shipper was right or the railroad company was right, months have elapsed; that money has been idly resting in the security of the court, whether in the form of cash or bonds. The court decides, for example, that the shipper was right in the controversy, and that money goes back to the shipper; but the shipper has disposed of his stock in the cattle yards along the Mississippi Valley. He has placed a price upon that stock based upon the possibility of his never receiving back the money that is in court, based upon the possibility of his losing it, because he would be an unwise man to take any chances. Now, he has received a price for his commodity commensurate with the value based upon the freight that was demanded of him and which he paid into court. When the money is paid out by the court, to whom does it go? To the shipper? He has already received it; he has taken it into consideration in disposing of his commodity. To the railroad company? They have been adjudged not entitled to it. To whom does it belong? It belongs to the people who bought that meat from the cutter's block and who consumed it in their homes. They are the ones who paid the increased price. They paid for it on the basis of the maximum freight demanded by the railroad company.

Senators, we have to solve these questions before we can dispose of this bill. There are a good many questions yet to be solved in legislating upon this subject, many of which have not yet been broached; and on this occasion, as I say, I only desire to call attention to them. The Senator from South Carolina [Mr. TILMAN] met me on one occasion by asking, "Why do you not offer amendments?" It is not yet necessary to offer these amendments. The discussion of this matter in Committee of the Whole, as we are now considering it, means that we are trying to sift our minds down to the ultimate conclusion that will justify a man in crystallizing his conclusions in the shape of amendments, and we are not called upon to put them in the form of amendments, and send them now to the Secretary's desk only, perhaps, to be criticised by ourselves afterwards. We are here for an intelligent interchange of ideas upon this subject; and it may be true, and doubtless it is, that the suggestions I have thrown out are subject to criticism, and that by the time we have discussed this measure backward and forward, we shall all of us have arrived at modified conclusions, even upon the questions about which we have felt most certain. It is not enough to dispose of the legal questions; they must be disposed of, and disposed of with exactness and accuracy; but after we have disposed of them, we must apply them to the necessities of this class of legislation, and see to it that when the bill finally becomes a law, if we shall agree upon one—and I sincerely trust we shall—it will not only stand the scrutiny of the Supreme Court of the United States, but it will stand the scrutiny and meet the approval of the people in whose interest we are legislating.

Mr. NELSON. Mr. President, I propose to ask the indulgence of the Senate for a few moments to consider the argument that this bill is unconstitutional, because it does not contain in express terms an express provision for review.

I listened with rapt attention to the exceedingly able speech of the junior Senator from Pennsylvania [Mr. KNOX] on the pending railway rate bill. I have since that time read his speech in cold type, and I have pondered much over his argument that the bill is unconstitutional because the right of judicial review is not conferred in express terms. While it may seem ungracious and presumptuous for me, a plebeian lawyer from the far Northwest, to differ on this point with such an able lawyer as the Senator from Pennsylvania, yet I can not forbear, in this forum of free and full discussion where, at least in a technical sense, we are all on a footing of equality, to express my dissent from the conclusions of the Senator and to briefly express the grounds and reasons for such dissent.

First. There is in the bill no direct or express bar to the right of judicial review, as there was in the case of the *Railway Company v. Minnesota* (134 U. S., 418), cited by the Senator, but on the contrary, both expressly and by necessary implication, the right of judicial review within constitutional limits exists. Hence the *Minnesota* case can have no application. The following language in the bill clearly implies that a judicial review is not barred, but rather contemplated and invited. I quote: "Or

be suspended or set aside by a court of competent jurisdiction," line 9, page 11, and by the language as to venue, etc., found on page 17:

The venue of suits brought in any of the circuit courts of the United States to enjoin, set aside, annul, or suspend any order or requirement of the Commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office. The provisions of "An act to expedite the hearing and determination of suits in equity, and so forth," approved February 11, 1903, shall be, and are hereby, made applicable to all such suits, and are also made applicable to any proceeding in equity to enforce any order or requirement of the Commission, or any of the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto.

Second. There are three modes in which a judicial review can be had under the bill: (1) Under the general right conferred by the judiciary act of March 3, 1887 (24 Stat., 552), as open to railways, if their rights are invaded, as to other litigants. The Commission is not a necessary party, nor the only one that could be made a party adverse to the railway company in such a proceeding. The party making the complaint to the Commission, or any other party seeking to enforce the order, would be a proper party to the proceeding. Besides, any shipper whose goods the railway would refuse to carry at the Commission rate would have a right of action, and the railway could easily raise such an issue. In either case the constitutional validity of the Commission rate would be subject to judicial review. (2) In a proceeding to enforce the penalties prescribed in the bill. In this the defendant can insist upon and successfully defend himself by showing that the order of the Commission is unconstitutional and beyond the powers of the Commission; that the rate prescribed is unconstitutional because it does not afford just compensation. In any criminal prosecution, or in any action to enforce a penalty based upon a statute, the constitutional rights of the defendant can always be asserted and maintained. The risk the defendant railway company would incur in ignoring a penal provision, in taking the chances of prosecution, is not other than nor different from the risk any defendant runs who persists in violating a penal statute—the risk that he may be mistaken as to its constitutional validity. But because of the willingness to run such risk, I do not think it is incumbent on us to extend, by our act, any greater favor in this case than in the case of other penal statutes. And (3) in the paragraph found on page 16 of the bill, providing that the Commission, or any party injured, may apply to the circuit court for an enforcement of the order. The term "regularly made" is manifestly not used in the limited sense that mere formalities have been observed, but in the general sense that it is in all respects "regular," or, in other words, "lawfully made." Such an order is not regularly made if beyond the competency or power of the Commission, for, be it always remembered that the Commission has no power to make other than "a just, reasonable, and fairly remunerative rate," or, in other words, a rate that affords just compensation to the carrier. The jurisdiction of the Commission and the constitutionality of the order would, under all circumstances, be involved and passed upon in proceedings to enforce the order. An order is not "regularly made" unless it is within the pale of the Constitution.

My dissent, however, from the views of the Senator from Pennsylvania is based not only upon the reasons I have already given, but I base the same upon more fundamental grounds—grounds that reach to the very theory and structure of our Federal system.

The Constitution is a power of attorney conferred by the people of the United States and by the several States upon our Federal Government; in fact, it is the life-giving force of our Federal system. This instrument distributes the powers of the Federal Government among three separate and distinct departments—the legislative, the executive, and the judicial departments—each supreme within its own sphere and function with but one exception, and that is this: The judicial department, not through any express constitutional grant, but through a power resting upon a uniform and continuous construction of the Constitution for upward of a century and so firmly embedded in our judicial system as to have the force of an express constitutional grant, has assumed and still assumes the right at all times to determine whether the two other departments are performing their functions within the pale of the Constitution.

The power to regulate commerce is vested as fully and completely in Congress as the judicial power is vested in the courts. It is only when Congress proceeds outside of the pale of the Constitution—violates the fifth amendment—that the court, under the Constitution, is warranted in restraining or passing upon the action of Congress in exercising this power.

The court can not restrain on any other ground. To attempt to do so, or to attempt to vest the court with power to do so,

would be to attempt to divest or withhold from Congress a part of the power conferred upon it—the power to regulate interstate commerce. This power would be lame and impotent and of no value if the courts could stay or thwart the will of Congress on any other ground. It would transfer the regulation of interstate commerce from Congress to the courts, and it would do violence to that distribution of governmental powers provided and contemplated by the Constitution. It would make our Government not one of three departments, but a Government of a single department—the judicial.

The courts are possessed of no greater or other power over an act to regulate railway rates than over any other act of Congress. It is not necessary nor requisite to the validity of any act of Congress that it should in express terms provide for judicial review as to the validity of the act, so long as the courts are open for all cases in law or equity arising under the laws of the United States. Congress can not bar a review. But an act of Congress is not unconstitutional because it fails to provide in express terms for judicial review. If that were necessary or requisite to the constitutional validity of an act, then the number of unconstitutional acts on our statute books would indeed be great. It has never been customary, except in acts relating to the jurisdiction and procedure of our courts, to provide in express terms, in any act, for judicial review as to the constitutional validity of the act. It would be an anomaly in constitutional law if Congress were to be thus subrogated to the courts. It would be as though Congress threw itself on the mercy of the court in the instance of every act. The constitutionality of the legal-tender act, which wrought a revolution in our monetary system—more far-reaching in its consequences than even the bill under consideration—was never questioned or doubted upon the ground that it did not in express terms confer the right of judicial review. And although the act did not in terms provide for such review there was found under it an open avenue to the courts, and the Supreme Court finally passed upon and sustained its validity. The same is true of the tea-inspection act of 1897. The case of *Buttfield v. Stranahan* (192 U. S., 470) illustrates this. The same is also true of the statute authorizing the Post-Office Department to issue so-called "fraud orders." There has been no impediment to judicial review within the pale of the Constitution in such cases. The case of *the People's United States Bank v. Gilson et al.*, in the circuit court of the United States for the eastern district of Missouri, is an illustration of this, and the case of *Public Clearance House v. Coyne* (194 U. S., 497) is also in point. Many other instances of similar import could be cited. If the constitutional rights of any person or corporation are invaded by any act of Congress, the courts are open under the general statutes and can grant ample relief to all such persons or corporations, and there should be no discrimination in granting judicial relief.

If Congress—I call attention to this statement—instead of conferring the rate-making power upon the Commission, as proposed in the pending bill, were itself to exercise the power directly by passing an act fixing rates, as it would under the Constitution have the right to do, would such an act be unconstitutional because it did not in express terms provide for judicial review, so long as it left the general judicial door open? Manifestly not. Such an act on that ground would be as valid as the legal-tender act, the tea act, and the postal statute. There is a general statute, an open door, for all persons whose constitutional rights are invaded through which they can invoke and obtain the determination of their constitutional rights, and this door is open to the railways as well as to other litigants, and as long as Congress does not bar this door it violates no provision of the Constitution.

If such an act of Congress as I have suggested—a direct rate-making law without the intervention of a commission—would be valid without an express judicial review provision, then how can an act vesting in a commission, an administrative body and the agent of Congress, the power to make rates under a rule and standard fixed by Congress be unconstitutional because it contains no express provision for judicial review so long as the door for judicial review is not barred, but is left open as in other cases? What Congress can do directly in this case it can do through the intervention of a commission. The only limitation upon its power or the power of the Commission is that found in the fifth amendment. There is a broad open door into the courts for all litigants, railway companies and others. Why should a special door or avenue be given to the railways? The foregoing considerations, baldly and briefly stated, lead me irresistibly to the conclusion that the pending bill is not unconstitutional.

I concur in all that was said by the Senators from Wisconsin and Pennsylvania in their most eloquent remarks about upholding and maintaining the integrity of our courts and their juris-

diction. The force of their argument on this point meets my hearty approval. But while such is my attitude to our courts and our judicial system, I would invoke the same principles and the same argument in behalf of the power and integrity of Congress. It is one of the great coordinate departments of our Government. I would do nothing to diminish or withhold from Congress any of the power and dignity that belongs to that body or in any manner to make it unnecessarily subservient to either of the other departments.

The disposition of some of the public press to deprecate and belittle Congress, especially the Senate, can do us no harm among those whose good opinion is worthy of consideration. But to suffer any other department of the Government, directly or indirectly, to derogate or absorb, in any form or by any method, any power or part of a power vested in Congress by the Constitution would do us more harm and be more baneful in its consequences than could possibly result from any public clamor or criticism. I am as unwilling to derogate from Congress any of its constitutional powers as I am unwilling to derogate from the courts any of the powers vested in them by the Constitution.

If the sole ground for supporting a review amendment were that the pending bill is unconstitutional, I could not honestly vote for such amendment on that ground, though I might vote for it on other grounds. It has always been the doctrine of the best class of theologians to stand firm as to essentials, but to be yielding and forbearing as to nonessentials, if necessary to quiet timorous consciences. I am willing to apply such a doctrine to this bill. The main and essential part of the bill is vesting the rate-making power in the Commission. The providing for a special avenue of judicial review within constitutional limits is comparatively and, as regards the main point, less essential. If a review amendment merely prescribing the mode, and not attempting to divest in any shape Congress of its constitutional power to regulate commerce, and not conferring on the courts greater power than that given them by the Constitution—the power to see that Congress keeps within constitutional bounds—is offered, I can support such an amendment, if it will quiet timorous consciences; but I am unwilling to support any amendment that would derogate from Congress any of its just power to regulate commerce. The integrity of Congress is as near and dear to me as the integrity of the courts. I would despoil neither.

Mr. TILLMAN. I wish to ask the Senate to pass an order in regard to printing. The Senator from Indiana [Mr. BEVERIDGE], on the 28th of March, asked the Senate to order a reprint of the interstate-commerce act and acts amendatory thereof and the pending bill. I understand that that reprint is already exhausted, and there seems to be a very great demand for these documents. I therefore ask that the Senate order that 5,000 copies of Document No. 292, present session, be printed for the use of the Senate with this change: While the old law and the proposed law, the Hepburn bill, shall appear in parallel columns, the proposed changes in the old law shall be indicated by italics. It is just as easy to print them in italics as in roman, and then you can glance and see in a moment what is old and what is new. If you do not do that, you have to collate and compare in order to discover the differences.

Mr. BEVERIDGE. I think the suggestion of the Senator from South Carolina is a good one.

The VICE-PRESIDENT. Without objection, the order requested by the Senator from South Carolina will be made.

Mr. BEVERIDGE. I ask, in addition to that request, that at the end of the whole document there be printed the various amendments relating to court review which have already been offered, with the name of the author of each, and that that section of the bill introduced by the Senator from Pennsylvania [Mr. KNOX] relating to court review shall be printed, so that we may have in one document immediately at hand the whole information.

Mr. TILLMAN. I accept that amendment.

The VICE-PRESIDENT. Without objection, the order to print will be enlarged to cover the suggestion of the Senator from Indiana.

Mr. BEVERIDGE. I understand that the request of the Senator from South Carolina leaves it in parallel columns.

Mr. TILLMAN. In parallel columns, except that the proposed changes in existing law shall be in italics.

Mr. BEVERIDGE. That is a good suggestion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4300) to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels. The message also announced that the House had agreed to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3899) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. BROWNLOW, and Mr. SULLIVAN of Massachusetts managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees; in which it requested the concurrence of the Senate.

BRIDGE ACROSS RAINY RIVER, MINNESOTA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4825) to provide for the construction of a bridge across Rainy River, in the State of Minnesota, which was to strike out all after the enacting clause and insert a substitute.

Mr. NELSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SNAKE RIVER BRIDGE IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5181) to authorize the construction of a bridge across the Snake River between Whitman and Columbia counties, in the State of Washington, which were, on page 4, line 2, to strike out "two years" and insert "one year;" and in the same line to strike out "four years" and insert "three years."

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

COLUMBIA RIVER BRIDGES IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5182) to authorize the construction of a bridge across the Columbia River between Franklin and Benton counties, in the State of Washington, which were, on page 4, line 5, to strike out "two years" and insert "one year;" and in the same line to strike out "four years" and insert "three years."

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5183) to authorize the construction of a bridge across the Columbia River between Douglas and Kittitas counties, in the State of Washington, which were, on page 4, line 3, to strike out "two years" and insert "one year;" and on page 4, lines 3 and 4, to strike out "four years" and insert "three years."

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar and also bills to correct military records.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

GAMBLING IN THE TERRITORIES.

Mr. BURNHAM. I desire to ask unanimous consent for the present consideration of a bill.

Mr. McCUMBER. I will not object if it requires no discussion and is a short bill.

Mr. BURNHAM. It is the bill (H. R. 10853) to prohibit gambling in the Territories.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. KEAN. I think the Senator from Ohio [Mr. FORAKER] is interested in the bill.

The VICE-PRESIDENT. The Senator from Ohio is present. Mr. McCUMBER. The bill will lead to debate. I expect to debate it myself. I know it will take some time, and I do not wish to yield for its consideration.

The VICE-PRESIDENT. Objection is made. The Pension Calendar is in order.

JAMES B. BOYD.

The bill (S. 4467) removing the charge of desertion from the military record of James B. Boyd was announced as the first bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of desertion standing against the name of James B. Boyd, late of Battery I, Fourth United States Artillery, to amend his military record accordingly, and to grant to him an honorable discharge as of date November 23, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. DUNN.

The bill (S. 4360) granting an increase of pension to John P. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Dunn, late of Company H, Sixth Regiment United States Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO D. HUNTLEY.

The bill (S. 3300) granting an increase of pension to Lorenzo D. Huntley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to insert the letter "B;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo D. Huntley, late of Company B, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE E. MALONE.

The bill (S. 4279) granting an increase of pension to Fannie E. Malone was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Company," to strike out the letter "K" and insert "A;" in line 8, before the word "Volunteer," to insert "Provisional;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie E. Malone, widow of John K. Malone, late captain Company A, Second Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. DUGGER.

The bill (S. 1975) granting an increase of pension to Mary E. Dugger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "captain and;" and in line 8, before the word "and," to strike out "Volunteer Infantry" and insert "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Dugger, widow of Jefferson Dugger, late captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL G. ROBERTS.

The bill (S. 4186) granting an increase of pension to Samuel G. Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Roberts, late second lieutenant Company G, Seventeenth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SPROUSE.

The bill (S. 487) granting an increase of pension to William Sprouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sprouse, late of Company C, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. MILLETT.

The bill (S. 2790) granting an increase of pension to William J. Millett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Millett, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT G. HARRISON.

The bill (S. 3525) granting an increase of pension to Robert G. Harrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Company B" and insert "assistant surgeon;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert G. Harrison, late assistant surgeon, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABSALOM WILCOX.

The bill (S. 4110) granting an increase of pension to Absalom Wilcox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company C, First Regiment Missouri Volunteer Engineers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Absalom Wilcox, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATILDA E. NATTINGER.

The bill (S. 3985) granting an increase of pension to Matilda E. Nattinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda E. Nattinger, widow of Edward A. Nattinger, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. YOCKEY.

The bill (S. 3984) granting an increase of pension to Sarah E. Yockey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Yockey, widow of Charles J. Yockey, late of Company B, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED B. CHILCOTE.

The bill (S. 4917) granting an increase of pension to Alfred B. Chilcote was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred B. Chilcote, late of Company G, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADELE JEANETTE HUGHES.

The bill (S. 4309) granting an increase of pension to Adele Jeanette Hughes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adele Jeanette Hughes, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAIAH M'DANIEL.

The bill (S. 4622) granting an increase of pension to Isaiah McDaniel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah McDaniel, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. BROADWELL.

The bill (S. 4102) granting an increase of pension to John Broadwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Broadwell," to insert the letter "A.;" and in the same line, before the word "Regiment," to strike out "Fourth" and insert "First;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Broadwell, late of Battery D, First Regiment New Jersey Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to as to read: "A bill granting an increase of pension to John A. Broadwell."

DAVID S. TRUMBO.

The bill (S. 3024) granting an increase of pension to David S. Trumbo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company I" and insert "first lieutenant and quartermaster;" and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David S. Trumbo, late first lieutenant and quartermaster, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. CHAPMAN.

The bill (S. 4088) granting an increase of pension to Charles E. Chapman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Chapman, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES F. HACKNEY.

The bill (S. 4258) granting an increase of pension to James F. Hackney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of;" and in the same line, after the word "unassigned," to strike out "company;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Hackney, late unassigned, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'CAUGHEN.

The bill (S. 1407) granting a pension to John McCaughn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "McCaughn" and insert "McCaughen;" in the same line, after the word "late," to strike out "of" and insert "unassigned;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of John McCaughen, late unassigned, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to John McCaughen."

JAMES DREURY.

The bill (S. 4432) granting an increase of pension to James Dreury was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Dreury" and insert "Dreury;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dreury, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Dreury."

SUSAN PENNINGTON.

The bill (S. 2832) granting a pension to Susan Pennington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Pennington, widow of John Pennington, late of Company A, Twenty-fourth Regiment, and captain Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Susan Pennington."

MOSES HILL.

The bill (S. 1406) granting an increase of pension to Moses Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses Hill, late of Company C, Ninth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL PENCE.

The bill (H. R. 14086) granting an increase of pension to Daniel Pence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Pence, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY WINFREY.

The bill (H. R. 14098) granting a pension to Mary Winfrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Winfrey, widow of Thomas J. Winfrey, late of Company H, Third Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SHOEMAKER.

The bill (H. R. 13697) granting an increase of pension to William Shoemaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Shoemaker, late of Company F, Sixteenth Regiment

Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL SOUTHARD.

The bill (H. R. 12443) granting an increase of pension to Nathaniel Southard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel Southard, late of Company B, Sixth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. HIMES.

The bill (H. R. 14642) granting a pension to James P. Himes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Himes, late of Company M, Third Regiment Kentucky Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS SPARROW.

The bill (H. R. 15062) granting an increase of pension to Thomas Sparrow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Sparrow, late of Company K, Second Regiment United States Infantry, war with Spain, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUTH J. M'CANN.

The bill (H. R. 14834) granting an increase of pension to Ruth J. McCann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. BENNETT.

The bill (H. R. 13028) granting an increase of pension to Mary E. Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Bennett, widow of Augustus G. Bennett, late lieutenant-colonel Twenty-first Regiment United States Colored Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. VINCENT.

The bill (S. 3465) granting an increase of pension to John T. Vincent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Vincent, late of Company G, United States Voltigeurs, war with Mexico, and Company K, First Regiment Washington Territory Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS REED.

The bill (S. 3493) granting an increase of pension to Thomas Reed was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Reed, late captain Company H, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES G. POLK.

The bill (S. 5016) granting an increase of pension to Charles G. Polk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Third," to strike out "Regiment" and insert "and Thirty-fourth Regiments;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles G. Polk, late assistant surgeon Third and Thirty-fourth Regiments United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESTINA M. GIFFORD.

The bill (S. 524) granting an increase of pension to Lestina M. Gifford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lestina M. Gifford, widow of Leander W. Gifford, late captain Company C, First Regiment Pennsylvania Rifles (Thirteenth Regiment Pennsylvania Reserves Volunteer Infantry), and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH E. WILMER.

The bill (S. 4548) granting an increase of pension to Elizabeth Wilmer, widow of Edwin Wilmer, and to the orphan children of said soldier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. Wilmer, widow of Edwin Wilmer, late colonel Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Hannah E. Wilmer."

HENRY WILHELM.

The bill (S. 3821) granting an increase of pension to Henry Wilhelm was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "second lieutenant Company F and;" and in line 9, before the word "dollars," to strike out "forty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Wilhelm, late second lieutenant Company F and captain Company A, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. HAMAN.

The bill (S. 5121) granting an increase of pension to James H. Haman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Haman, late of Company E, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. HAVENS.

The bill (H. R. 12000) granting an increase of pension to James D. Havens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Havens, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. FIEDLER.

The bill (H. R. 12403) granting a pension to Lydia A. Fiedler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Fiedler, widow of Charles F. Fiedler, late of Company H, Twentieth Regiment New York Volunteer Infantry, and unassigned, One hundred and nineteenth Regiment New York Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. JEFFERIS.

The bill (H. R. 13584) granting an increase of pension to Anna M. Jefferis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Jefferis, widow of Carleton L. Jefferis, late of First Independent Battery, Delaware Volunteer Light Artillery, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA H. WAGNER.

The bill (H. R. 14669) granting an increase of pension to Anna H. Wagner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna H. Wagner, widow of Arthur L. Wagner, late colonel and military secretary, General Staff, United States Army, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES COYNER.

The bill (H. R. 14092) granting a pension to Frances Coyner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Coyner, widow of David H. Coyner, late chaplain Eighty-eighth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. NAGLE.

The bill (H. R. 14937) granting an increase of pension to William S. Nagle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William S. Nagle, late of Company B, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA BROOKS.

The bill (H. R. 14287) granting an increase of pension to Martha Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Brooks, widow of William H. Brooks, late of Troop H, Second Regiment United States Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. KELLER.

The bill (H. R. 15941) granting a pension to Lydia A. Keller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Keller, widow of William Keller, late ordnance sergeant, United States Army, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. COOK.

The bill (H. R. 15199) granting an increase of pension to John T. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Cook, late of Captain Coyugham's company, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO M. BARTLETT.

The bill (S. 2689) granting an increase of pension to Alonzo M. Bartlett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out "F, First" and insert "B, Thirtieth;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo M. Bartlett, late of Company B, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RODNEY W. TORREY.

The bill (S. 2094) granting an increase of pension to Rodney W. Torrey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rodney W. Torrey, late of Company K, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM JANDRO.

The bill (S. 4556) granting an increase of pension to William Jandro was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-two" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Jandro, late of Company G, First Regiment Massachusetts Volunteer Cavalry, and Company I, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAHAM S. BROWN.

The bill (S. 920) granting an increase of pension to Abraham S. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham S. Brown, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRUMAN R. STINEHOUR.

The bill (S. 3812) granting an increase of pension to Truman R. Stinehour was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Truman R. Stinehour, late of Companies F and H, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES HANN.

The bill (H. R. 13610) granting an increase of pension to James Hann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hann, late of Company I, Twenty-first Regiment New Jersey Volunteer Infantry, and Company G, Sixth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. MERRILL.

The bill (H. R. 14639) granting an increase of pension to Sarah J. Merrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah J. Merrill, widow of George S. Merrill, late captain Company B, Fourth Regiment Massachusetts Militia Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB KELLER.

The bill (H. R. 10753) granting an increase of pension to Jacob Keller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Keller, late of Company K, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. BAKER.

The bill (H. R. 14112) granting an increase of pension to Andrew J. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Baker, late of Company E, Fourth Regiment Ohio Volunteer Infantry, war with Mexico, and Company G, Seventeenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. BURKS.

The bill (H. R. 14748) granting an increase of pension to William F. Burks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Burks, late of Company H, Fifth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL G. RAYMOND.

The bill (H. R. 12417) granting an increase of pension to Samuel G. Raymond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel G. Raymond, late of Company L, Tenth Regiment New York Volunteer Cavalry, and Company H, Twelfth Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT R. WILSON.

The bill (H. R. 13005) granting an increase of pension to Robert R. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert R. Wilson, late of Company E, Easton's battalion, Missouri Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLANDO W. FRAZIER.

The bill (H. R. 14768) granting a pension to Orlando W. Frazier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orlando W. Frazier, helpless and dependent son of Orlando W. Frazier, late captain Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'CANN.

The bill (S. 4683) granting an increase of pension to William McCann was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McCann, late of Company K, Seventeenth Regiment Pennsylvania Vol-

unteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES CRISMON.

The bill (S. 2733) granting an increase of pension to Charles Crismon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Crismon, late of Captain Smith's company, Utah Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH B. BEAN.

The bill (S. 1248) granting a pension to Elizabeth B. Bean was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "Utah Indian war;" and in line 9, before the word "dollars," strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Bean, widow of George W. Bean, late of Capt. P. W. Conover's company of Utah Militia, Utah Indian war, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE M. CAGE.

The bill (H. R. 14140) granting an increase of pension to Josephine M. Cage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine M. Cage, widow of William L. Cage, late of Company B, First Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. COX.

The bill (H. R. 14988) granting an increase of pension to James B. Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Cox, late of Captain Gillespie's company, Hay's Regiment, Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL R. DUMMER.

The bill (H. R. 14694) granting an increase of pension to Samuel R. Dummer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel R. Dummer, late of Company H, Tenth Regiment United States Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE D. SCUDDER.

The bill (H. R. 13712) granting an increase of pension to Caroline D. Scudder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline D. Scudder, widow of James L. Scudder, late first lieutenant Company K, First Regiment Tennessee Volunteers, war with Mexico, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK HILDENBRAND.

The bill (H. R. 13034) granting an increase of pension to Frederick Hildenbrand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

Frederick Hildenbrand, late second lieutenant Company G, Thirty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. GUION.

The bill (H. R. 12584) granting an increase of pension to William R. Guion was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Guion, late of Captain Ramsey's company, First Regiment Ohio Volunteer Riflemen, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT C. PATE.

The bill (H. R. 13341) granting an increase of pension to Robert C. Pate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert C. Pate, late captain Company C, Thirty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. CRAIG.

The bill (H. R. 12578) granting an increase of pension to John B. Craig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Craig, late of Company H, Sixth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABIJAH CHAMBERLAIN.

The bill (S. 558) granting an increase of pension to Abijah Chamberlain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abijah Chamberlain, late of the Seventeenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CLARK.

The bill (H. R. 11691) granting an increase of pension to John Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Clark, late of Company K, Fourteenth Regiment United States Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS LOWRY.

The bill (H. R. 11690) granting an increase of pension to Lewis Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Lowry, late captain Company K, First Regiment Nebraska Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. SCOTT.

The bill (H. R. 14277) granting an increase of pension to George S. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Scott, late of Company M, Third Regiment, and Company C, Eleventh Regiment, Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA NICHOLS.

The bill (H. R. 14277) granting an increase of pension to Amelia Nichols was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Amelia Nichols, widow of Franklin P. Nichols, late second lieutenant Company A, Seventh Regiment Michigan Volunteer Cavalry, and to pay her a pension of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALIDA KING.

The bill (H. R. 13798) granting an increase of pension to Alida King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alida King, widow of Henry King, late of Company D, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Eugene T. King, helpless and dependent child of said Henry King, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Alida King the name of said Eugene T. King shall be placed on the pension roll at \$12 per month from and after the date of death of said Alida King.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GAYNOR.

The bill (H. R. 13136) granting an increase of pension to William Gaynor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Gaynor, late of U. S. S. *Massachusetts*, United States Navy, and to pay him a pension of 24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DAVIS.

The bill (H. R. 13148) granting an increase of pension to William Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Davis, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST FRAHM.

The bill (H. R. 13587) granting an increase of pension to August Frahm was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Frahm, late of Company D, Thirteenth Regiment Kansas Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN JACOBY.

The bill (H. R. 12455) granting an increase of pension to John Jacoby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Jacoby, late of Company G, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. HULL.

The bill (S. 4972) granting an increase of pension to Sarah E. Hull was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "of the," to strike out "gunboat" and insert "United States steamers Signal and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Hull, widow of Melville F. Hull, late of the United States steamers Signal and Clara Dolson, United States Navy, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DORIS F. CLEGG.

The bill (S. 98) granting an increase of pension to Doris Florence Clegg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Doris F. Clegg, former widow of Henry Whetsler, late of Company A, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Doris F. Clegg."

CHRISTOPHER C. HARLAN.

The bill (H. R. 13151) granting a pension to Christopher C. Harlan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Harlan, late of Company E, Second Regiment Mississippi Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Christopher C. Harlan."

HENRY PORTER.

The bill (H. R. 7331) granting an increase of pension to Henry Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Porter, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. MILES.

The bill (H. R. 14258) granting an increase of pension to John S. Miles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Miles, late of Company H, Forty-second Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. FRANKLIN.

The bill (H. R. 12643) granting an increase of pension to William H. Franklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Franklin, late captain Company I, Tenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY STIMON.

The bill (H. R. 12795) granting an increase of pension to Henry Stimon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Stimon, late of Company B, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BOOKMAN.

The bill (H. R. 13417) granting an increase of pension to John W. Bookman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Bookman, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHRONIA LOFTON.

The bill (H. R. 14653) granting an increase of pension to Sophronia Lofton was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Sophronia Lofton, widow of Thomas Lofton, late of Company A, First Battalion Alabama Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK S. PETTINGILL.

The bill (H. R. 13826) granting an increase of pension to Frank S. Pettingill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank S. Pettingill, late of Company B, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL O. GILMAN.

The bill (H. R. 14367) granting an increase of pension to Lemuel O. Gilman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lemuel O. Gilman, late captain Company B, and lieutenant-colonel, Fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD V. MILES.

The bill (H. R. 12541) granting an increase of pension to Edward V. Miles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward V. Miles, late of Company F, Second Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUMNER P. WYMAN.

The bill (H. R. 14369) granting an increase of pension to Sumner P. Wyman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sumner P. Wyman, late of Company B, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY PALMER.

The bill (H. R. 15870) granting a pension to Mary Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Palmer, widow of Stephen J. Palmer, late of Captain Morgan's independent company, Iowa Volunteers, war with Mexico, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS CLAUNCH.

The bill (H. R. 6946) granting an increase of pension to Elias Claunch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Claunch, late of Company A, Seventh Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA A. BUNKER.

The bill (H. R. 14888) granting an increase of pension to Eliza A. Bunker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. Bunker, widow of Samuel Bunker, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John S. Bunker, helpless and dependent child of said Samuel Bunker, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza A. Bunker the name of said John S. Bunker shall be placed on the pension roll at \$12 per month from and after the date of death of said Eliza A. Bunker.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. MOUSER.

The bill (H. R. 13959) granting an increase of pension to Thomas B. Mouser was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Thomas B. Mouser, late of Company D, Ninety-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN L. HIGGINS.

The bill (H. R. 14563) granting an increase of pension to Edwin L. Higgins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin L. Higgins, late second lieutenant Company K, Thirty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMER F. HERRIMAN, ALIAS GEORGE F. WILSON.

The bill (H. R. 13627) granting an increase of pension to Homer F. Herriman, alias George F. Wilson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Homer F. Herriman, alias George F. Wilson, late of Company G, Second Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. WILSON.

The bill (H. R. 13710) granting an increase of pension to Anna M. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Wilson, widow of Robert Wilson, late captain Company I, Eighth Regiment Illinois Volunteer Infantry, and captain Company L, and major, Fifth Regiment United States Colored Volunteer Heavy Artillery, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HARDY.

The bill (H. R. 12393) granting an increase of pension to William Hardy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hardy, late of Company I, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS J. JAMES.

The bill (H. R. 21540) granting an increase of pension to Morris J. James was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris J. James, late of Company D, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. LINDSEY.

The bill (H. R. 11129) granting an increase of pension to Thomas J. Lindsey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Lindsey, late of Company A, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH GIRDLER.

The bill (H. R. 7585) granting an increase of pension to Joseph Girdler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Girdler, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. JASPER.

The bill (H. R. 6557) granting an increase of pension to Charles H. Jasper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Jasper, late of Company D, Forty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. KIRK.

The bill (H. R. 9617) granting an increase of pension to David A. Kirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David A. Kirk, late of Company H, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN HARTER.

The bill (H. R. 14089) granting an increase of pension to Martin Harter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Harter, late of Company G, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HATFIELD.

The bill (H. R. 4809) granting an increase of pension to John W. Hatfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Hatfield, late of Company K, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'KENZIE.

The bill (H. R. 9896) granting an increase of pension to William McKenzie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McKenzie, late of Company G, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS JOHNSON.

The bill (H. R. 9905) granting an increase of pension to Elias Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Johnson, late of Company F, Third Regiment New York Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. VIVIAN.

The bill (H. R. 11638) granting an increase of pension to John N. Vivian was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Vivian, late of Company B, Fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MARTIN.

The bill (H. R. 10594) granting an increase of pension to James Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Martin, late of Company B, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS H. FRASIER.

The bill (H. R. 12014) granting an increase of pension to Francis H. Frasier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis H. Frasier, late of Company M, Fifth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATE F. GALBRAITH.

The bill (H. R. 13150) granting an increase of pension to Cate F. Galbraith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cate F. Galbraith, widow of Benjamin Galbraith, late second lieutenant Battery B, First Regiment New Jersey Volunteer Light Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM J. BOZARTH.

The bill (H. R. 13597) granting an increase of pension to Abram J. Bozarth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram J. Bozarth, late captain Company K, Twenty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL BLOOMER.

The bill (H. R. 12825) granting an increase of pension to Daniel Bloomer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Bloomer, late of Company H, Seventy-first Regiment, and Company F, One hundred and twentieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA E. CHAMBERS.

The bill (H. R. 13505) granting an increase of pension to Martha E. Chambers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha E. Chambers, widow of Alexander Chambers, late of Company K, First Regiment Kentucky Foot Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. BUCHANAN.

The bill (H. R. 13502) granting an increase of pension to John N. Buchanan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Buchanan, late second lieutenant Company G, Fifty-fifth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M'MAHON.

The bill (H. R. 13988) granting an increase of pension to Mary McMahon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary McMahon, widow of Daniel McMahon, late captain Company D, Eightieth Regiment New York Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA L. NORWOOD.

The bill (H. R. 14538) granting an increase of pension to Eliza L. Norwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza L. Norwood, widow of William W. Norwood, late of Company I, Third Regiment United States Dragoons, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS S. MENELEE.

The bill (H. R. 14426) granting an increase of pension to Thomas S. Menefee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas S. Menefee, late of Company C, Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GRIZZLE.

The bill (H. R. 14925) granting an increase of pension to James Grizzle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James

Grizzle, late of Company D, Second Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT HENDERSON GRIFFIN.

The bill (H. R. 14425) granting an increase of pension to Robert Henderson Griffin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Henderson Griffin, late of Company A, First Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZERELDA N. M'COY.

The bill (S. 2745) granting an increase of pension to Zerelda N. McCoy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company" and insert "assistant surgeon;" and in line 9, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zerelda N. McCoy, widow of James A. C. McCoy, late assistant surgeon Forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH KAUFFMAN.

The bill (S. 4440) granting an increase of pension to Joseph Kauffman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Kauffman, late of Company F, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEHEMIAH M. BRUNDEGE.

The bill (S. 4785) granting an increase of pension to Nehemiah Brundage was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Nehemiah," to insert the letter "M;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nehemiah M. Brundage, late of Company B, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nehemiah M. Brundage."

GEORGE W. COUGHANOUR.

The bill (S. 4786) granting an increase of pension to George W. Coughanour was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Coughanour, late of Company F, Fortieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. POSEY.

The bill (H. R. 14890) granting an increase of pension to James H. Posey was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of James H. Posey, late captain Company D, Sixteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMANTHA E. HERALD.

The bill (H. R. 14848) granting an increase of pension to Samantha E. Herald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha E. Herald, widow of William Herald, late of Company A, Anderson's battalion Mississippi Rifles, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COOK.

The bill (H. R. 13761) granting an increase of pension to John Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Cook, late of Captain Irvin's company, North Carolina Volunteers, Cherokee Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA J. HENSLEY.

The bill (H. R. 13525) granting an increase of pension to Martha J. Hensley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Hensley, widow of Silas B. Hensley, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving, and \$2 per month additional for each of the minor children of said soldier until they shall arrive at the age of 16 years: *Provided*, That in the event of the death of Wilson Hensley, helpless and dependent child of said Silas B. Hensley, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha J. Hensley the name of said Wilson Hensley shall be placed on the pension roll at \$12 per month from and after the date of death of said Martha J. Hensley.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORREN R. SMITH.

The bill (H. R. 13081) granting an increase of pension to Orren R. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orren R. Smith, late of Capt. G. E. B. Singeltary's company, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORDICAI B. BARBEE.

The bill (H. R. 13083) granting an increase of pension to Mordicai B. Barbee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mordicai B. Barbee, late of Company D, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WEBB.

The bill (H. R. 13230) granting an increase of pension to Elizabeth Webb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Webb, widow of Bennett Webb, late of Company A, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GATSEY MATTUCKS.

The bill (H. R. 13231) granting an increase of pension to Gatsey Mattucks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gatsey Mattucks, widow of William R. Mattucks, late of Company E, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLARD V. SHEPHERD.

The bill (H. R. 13527) granting a pension to Willard V. Shepherd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willard V. Shepherd, late of Battery C, Fifth Regiment United States Artillery, and to pay him a pension of \$6 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODOR SCHRAMM.

The bill (H. R. 12834) granting an increase of pension to Theodor Schramm was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodor Schramm, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERBERT WILLIAMS.

The bill (H. R. 13082) granting an increase of pension to Herbert Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herbert Williams, late unassigned recruit, Twelfth Regiment United States Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M'DONALD.

The bill (S. 4650) granting an increase of pension to Thomas McDonald was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the words "United States Navy," to strike out "the ship America" and insert "United States ships America and Macedonian;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McDonald, late of United States ships America and Macedonian, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA LEUCKART.

The bill (S. 2378) granting an increase of pension to Maria Leuckart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Leuckart, widow of Sigismund Leuckart, late pharmacist, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH AGNES EARL.

The bill (S. 4826) granting a pension to Agnes B. Earl was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Agnes Earl, widow of Wesley Clark Earl, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Sarah Agnes Earl."

FANNIE P. NORTON.

The bill (S. 4675) granting an increase of pension to Fannie Parker Norton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Fannie," to strike

out "Parker" and insert the letter "P.;" and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie P. Norton, widow of Charles B. Norton, late lieutenant-colonel and quartermaster, United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Fannie P. Norton."

ELIZABETH A. VOSE.

The bill (S. 4315) granting an increase of pension to Elizabeth A. Vose was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Regiment," to strike out "First" and insert "Second;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Vose, widow of Marcus A. Vose, late first lieutenant Company M, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORACE D. MANN.

The bill (H. R. 5485) granting a pension to Horace D. Mann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace D. Mann, late of Company M, Third Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. HOWELL.

The bill (H. R. 14793) granting an increase of pension to William W. Howell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Howell, late of Company B, First Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS HART.

The bill (H. R. 14389) granting an increase of pension to Amos Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos Hart, late of Company F, Fifth Regiment United States Colored Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVIN D. HOPPER.

The bill (H. R. 13872) granting an increase of pension to Alvin D. Hopper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvin D. Hopper, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH G. WILSON.

The bill (H. R. 13891) granting an increase of pension to Hugh G. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh G. Wilson, late of Company A, Gray's battalion, Arkansas Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA RAMSEY.

The bill (H. R. 13038) granting an increase of pension to Rebecca Ramsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca

Ramsey, widow of Thomas J. Ramsey, late of Company B, Crowzon's Battalion Mississippi Volunteer Riflemen, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM STRASBURG.

The bill (H. R. 13238) granting an increase of pension to William Strasburg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Strasburg, late of Company F, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WILKINSON.

The bill (H. R. 13311) granting an increase of pension to John Wilkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wilkinson, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'KEE.

The bill (H. R. 13310) granting an increase of pension to James McKee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McKee, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EADA LOWRY.

The bill (H. R. 13138) granting an increase of pension to Eada Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eada Lowry, widow of William T. Lowry, late of Company D, Calhoun's mounted battalion, Georgia Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM RALSTON.

The bill (H. R. 12760) granting an increase of pension to William Ralston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Ralston, late of Company D, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company B, First Regiment Missouri Volunteer Engineers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRICK RUTHERFORD.

The bill (S. 4247) granting an increase of pension to Carrick Rutherford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrick Rutherford, late second lieutenant Company F, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUGH GREEN.

The bill (H. R. 5434) granting an increase of pension to Hugh Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Green, late of Troop C, Fourth Regiment United States Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVA L. MARTIN.

The bill (H. R. 3806) granting a pension to Eva L. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eva L. Martin, widow of Solomon P. Martin, late of Company A, Second Regiment Arkansas Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL M. COFFMAN.

The bill (H. R. 11990) granting an increase of pension to Daniel M. Coffman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel M. Coffman, late of Company L, Seventh Regiment Ohio Volunteer Cavalry, and lieutenant-colonel Third Regiment Tennessee Volunteer Infantry, war with Spain, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. ROBINSON.

The bill (H. R. 9705) granting a pension to George W. Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Robinson, late of Company E, Thirty-third Regiment United States Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RHODA KENNEDY.

The bill (H. R. 15449) granting a pension to Rhoda Kennedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rhoda Kennedy, dependent mother of Charles Kennedy, late of Company M, First Regiment United States Colored Volunteer Heavy Artillery, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE SUMMERS.

The bill (H. R. 14078) granting an increase of pension to Catherine Summers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Summers, widow of Nathaniel Summers, late of Company K, Ninth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nathaniel Summers, helpless and dependent child of said Nathaniel Summers, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catherine Summers the name of said Nathaniel Summers shall be placed on the pension roll at \$12 per month from and after the date of death of said Catherine Summers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE ROGERS.

The bill (H. R. 8891) granting an increase of pension to Josephine Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Rogers, widow of Robert C. Rogers, late passed midshipman, United States Navy, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES V. POPE.

The bill (S. 2287) granting an increase of pension to James V. Pope was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James V. Pope, late of Company G, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BOYLES.

The bill (S. 2549) granting an increase of pension to George W. Boyles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Boyles, late of Company K, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAY E. KLINE.

The bill (H. R. 7839) granting a pension to Ray E. Kline was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ray E. Kline, widow of Daniel L. Kline, late of Brigade Band First Brigade, First Division Sixteenth Army Corps, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. HONEYWELL.

The bill (H. R. 8333) granting an increase of pension to John G. Honeywell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Honeywell, late of Company E, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WINN.

The bill (H. R. 9087) granting an increase of pension to William Winn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Winn, late of Company I, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINNIE C. PITTENGER.

The bill (H. R. 5933) granting an increase of pension to Winnie C. Pittenger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Winnie C. Pittenger, widow of William Pittenger, late of Company G, Second Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORMAN C. POTTER.

The bill (H. R. 7856) granting an increase of pension to Norman C. Potter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Norman C. Potter, late of Twelfth Battery, Ohio Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM H. MILLER.

The bill (H. R. 9808) granting an increase of pension to Abraham H. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham H. Miller, late of Company I, Fiftieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEETA H. MARQUIS.

The bill (H. R. 9904) granting an increase of pension to Neeta H. Marquis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Neeta H. Marquis, widow of John F. Marquis, late first lieutenant Company K, Second Regiment Illinois Volunteer Light Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC BAKER.

The bill (H. R. 11214) granting a pension to Isaac Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Baker, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS GRIFFITH.

The bill (H. R. 11209) granting an increase of pension to Thomas Griffith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Griffith, late of Company H, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH E. ATKINSON.

The bill (H. R. 11905) granting an increase of pension to Elizabeth E. Atkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth E. Atkinson, widow of Edwin E. Atkinson, late surgeon, Second Regiment Eastern Shore Maryland Volunteer Infantry, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT B. MALONE.

The bill (H. R. 12897) granting an increase of pension to Robert B. Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert B. Malone, late of Company L, Second Regiment East Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBROSE R. FISHER.

The bill (H. R. 14646) granting an increase of pension to Ambrose R. Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose R. Fisher, late of Company H, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CHESEBRO.

The bill (H. R. 14077) granting an increase of pension to George W. Chesebro was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Chesebro, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SANDERS.

The bill (H. R. 14076) granting an increase of pension to William Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sanders, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS A. BARKIS.

The bill (H. R. 13994) granting an increase of pension to Francis A. Barkis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Barkis, late of Company C, Third Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIENNA WARD.

The bill (H. R. 8339) granting a pension to Vienna Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Vienna Ward, widow of John Ward, late of Company I, First Regiment Illinois Volunteer Light Artillery, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB FRANZ.

The bill (S. 4797) granting an increase of pension to Jacob Franz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "and Company H, Fifteenth Regiment Veteran Reserve Corps;" and in line 9, before the word "dollars," to strike out fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Franz, late of Company H, Forty-seventh Regiment Ohio Volunteer Infantry, and Company H, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED WOODIN.

The bill (S. 230) granting an increase of pension to Alfred A. Woodin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Woodin," to strike out the letter "A.;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Woodin, late of Company B, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alfred Woodin."

EDMUND MORGAN.

The bill (S. 1398) granting an increase of pension to Edmund Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Morgan, late acting master, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES FLYNN.

The bill (S. 450) granting an increase of pension to James Flynn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Volunteer," to strike out "Missouri" and insert "Wisconsin;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Flynn, late of Company D, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROLLIN T. WALLER.

The bill (S. 3843) granting an increase of pension to Rollin T. Waller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars" to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rollin

T. Waller, late of Company G, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADAM WERNER.

The bill (S. 1376) granting an increase of pension to Adam Werner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Werner, late first lieutenant Captain Knapp's company (A), Seventh Regiment Indiana Legion, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN R. BROWN.

The bill (S. 1377) granting an increase of pension to John R. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Brown, late of Company B, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS A. AGUR.

The bill (S. 674) granting an increase of pension to Thomas A. Agur was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Agur, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ALBERT.

The bill (S. 2795) granting an increase of pension to John Albert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Albert, late of Company A, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. ASHELMAN.

The bill (S. 3298) granting an increase of pension to John B. Ashelman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Artillery," to strike out "Heavy" and insert "Light;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Ashelman, late of Independent Battery A, Pennsylvania Volunteer Light

Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. BENSON.

The bill (S. 1953) granting an increase of pension to Charles M. Benson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Benson, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON COOK.

The bill (S. 1162) granting an increase of pension to Nelson Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Cook, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. REYNOLDS.

The bill (S. 657) granting an increase of pension to Mary J. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Reynolds, widow of Robert L. Reynolds, late of Company A, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA BALDWIN.

The bill (S. 1962) granting an increase of pension to Julia Baldwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Company" and insert "Companies E and C;" and in line 9, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Baldwin, widow of Edwin Baldwin, late of Companies E and C, Sixtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOTHAM T. MOULTON.

The bill (S. 2050) granting an increase of pension to J. Tilden Moulton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and

limitations of the pension laws, the name of Jotham T. Moulton, late of Company I, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jotham T. Moulton."

MARIE J. SPICELY.

The bill (S. 2670) granting an increase of pension to Marie J. Spicely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marie J. Spicely, widow of William T. Spicely, late colonel Twenty-fourth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES D. BROWN.

The bill (S. 3598) granting an increase of pension to Charles D. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles D. Brown, late of Company K, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT M'CALVY.

The bill (S. 3834) granting an increase of pension to Robert McCalvy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert McCalvy, late of Company G, Fourteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEWTON G. COOK.

The bill (S. 5323) granting an increase of pension to Newton G. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Newton G. Cook, late of Companies I and G, Fifteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE ACKLEY.

The bill (H. R. 12656) granting a pension to Louise Ackley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise Ackley, widow of Henry B. Ackley, late of Company G, Thirty-sixth Regiment Pennsylvania Emergency Militia Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAUD O. WORTH.

The bill (H. R. 6147) granting a pension to Maud O. Worth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maud O. Worth, widow of John M. Worth, late second-class fireman, U. S. S. *Baltimore*, United States Navy, and to pay her a pension of \$12 per month, and \$2 per month additional on account of each of the minor children of said John M. Worth until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. FONNER, ALIAS JOHN HAVENS.

The bill (H. R. 11873) granting an increase of pension to Joseph B. Fonner, alias John Havens, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Fonner, alias John Havens, late of Company L, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILO G. GIBSON.

The bill (H. R. 3197) granting an increase of pension to Milo G. Gibson was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Milo G. Gibson, late of Company C, One hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CARDER.

The bill (H. R. 3007) granting an increase of pension to Thomas Carder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Carder, late of Company G, Second Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIRMAN F. KIRK.

The bill (H. R. 7515) granting an increase of pension to Firman F. Kirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Firman F. Kirk, late of Company C, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. MILLER.

The bill (H. R. 7681) granting an increase of pension to James M. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Miller, late of Company B, Twenty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN J. KECK.

The bill (H. R. 7738) granting an increase of pension to Franklin J. Keck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin J. Keck, late of Company G, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN G. MATTERN.

The bill (H. R. 8578) granting an increase of pension to Franklin G. Mattern was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin G. Mattern, late of Company D, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FARRIE M. ALLIS.

The bill (H. R. 9093) granting an increase of pension to Farrie M. Allis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Farrie M. Allis, widow of Jerrie P. Allis, late first lieutenant Companies G and F, One hundred and fourteenth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND CHAPMAN.

The bill (H. R. 10326) granting an increase of pension to Edmund Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund Chapman, late of Company A, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MOULES.

The bill (H. R. 10404) granting an increase of pension to John Moules was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Moules, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. WARD.

The bill (H. R. 10622) granting an increase of pension to James H. Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Ward, late of Company H, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE A. CONLEY.

The bill (H. R. 9924) granting an increase of pension to Carrie A. Conley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie A. Conley, widow of Isaiah Conley, late captain Company G, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES H. NILES.

The bill (S. 2772) granting an increase of pension to Charles H. Niles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Niles, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. SCOTT.

The bill (S. 835) granting an increase of pension to John W. Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Scott, late of Company B, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. M'CRILLIS.

The bill (S. 4557) granting an increase of pension to John B. McCrillis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "B" and insert "E;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. McCrillis, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OCTAVE COUNTER.

The bill (S. 4834) granting an increase of pension to Octave Counter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Octave Counter, late of U. S. ships North Carolina, Minnesota, and Cohasset, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL SCANNELL.

The bill (S. 1352) granting an increase of pension to Michael Scannell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty-six," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Scannell, late of Company A, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MOSS.

The bill (S. 1165) granting an increase of pension to James Moss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Moss, late of Company G, United States Mounted Rifles, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN HARRIMAN.

The bill (H. R. 2202) granting a pension to Ellen Harriman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen Harriman, widow of Dustin R. Harriman, alias Edward Harriman, late quartermaster, United States Navy, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. DECKER.

The bill (H. R. 14761) granting an increase of pension to John L. Decker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Decker, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. FIFIELD.

The bill (H. R. 2780) granting an increase of pension to Mary E. Fifield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Fifield, widow of Henry L. Fifield, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. BENSON.

The bill (H. R. 2765) granting an increase of pension to Andrew J. Benson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Benson, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH A. SAWYER.

The bill (H. R. 2195) granting an increase of pension to Hannah A. Sawyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah A. Sawyer, widow of Horace A. Sawyer, late of Company H, First Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUMNER F. HUNNEWELL.

The bill (H. R. 533) granting an increase of pension to Sumner F. Hunnewell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sumner F. Hunnewell, late of Company I, Twenty-fifth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. WHEELER.

The bill (H. R. 1655) granting an increase of pension to Henry A. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry A. Wheeler, late of Company I, Twelfth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDSON J. HARRISON.

The bill (H. R. 3484) granting an increase of pension to Edson J. Harrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edson J. Harrison, late of Company B, Thirty-fourth Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. GILDERSLEEVE.

The bill (H. R. 2934) granting an increase of pension to William H. Gildersleeve was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Gildersleeve, late captain Company E, Seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. LINCOLN.

The bill (H. R. 6775) granting an increase of pension to William A. Lincoln was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Lincoln, late first lieutenant Company D, and captain Company F, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID DAVIS.

The bill (H. R. 6142) granting an increase of pension to David Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Davis, late of Company C, Thirteenth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. LOUISA S. McWHINNIE.

The bill (H. R. 4261) granting a pension to A. Louisa S. McWhinnie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of A. Louisa S. McWhinnie, widow of James McWhinnie, late of Company H, Twentieth Regiment Connecticut Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. CONLEY.

The bill (H. R. 1913) granting an increase of pension to Charles H. Conley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Conley, late of Company B, Twenty-eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHERINE F. WAINWRIGHT.

The bill (H. R. 1322) granting an increase of pension to Katherine F. Wainwright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine F. Wainwright, widow of George A. Wainwright, late first lieutenant Company A and major First Regiment New

Hampshire Volunteer Heavy Artillery, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS F. UNDERWOOD.

The bill (H. R. 3281) granting an increase of pension to Thomas F. Underwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas F. Underwood, late of Company D and second lieutenant Company L, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SANBORN.

The bill (H. R. 3344) granting an increase of pension to Henry Sanborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Sanborn, late of Company F, Second Regiment United States Volunteer Sharpshooters, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES B. DAVIS.

The bill (H. R. 8725) granting an increase of pension to Moses B. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses B. Davis, late of Company E, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH J. VINCENT.

The bill (H. R. 10252) granting an increase of pension to Joseph J. Vincent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Vincent, late hospital steward, Twelfth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN R. HARDY.

The bill (S. 914) granting an increase of pension to Edwin R. Hardy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "A" and insert "H;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin R. Hardy, late of Company H, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BEHAM.

The bill (S. 4986) granting an increase of pension to Alfred Beham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Infantry" and insert "Heavy Artillery;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Beham, late of Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIETT B. SUMMERS.

The bill (S. 3303) granting an increase of pension to Harriett Summers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett B. Summers, imbecile and dependent daughter of William H. Summers, late of Company D, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Harriett B. Summers."

FREDERIC W. SWIFT.

The bill (S. 1884) granting an increase of pension to Frederick W. Swift was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments. The first amendment was, in line 6, after the word "of," to strike out the name "Frederick" and insert "Frederic."

The amendment was agreed to.

The next amendment was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to read:

And pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. McCUMBER. In line 8 I move to insert "six" after the word "thirty;" so as to read "\$36 per month," instead of "\$30 per month."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frederic W. Swift."

CHARLES HULL.

The bill (H. R. 2396) granting an increase of pension to Charles Hull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Hull, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS B. DRAKE.

The bill (H. R. 1468) granting an increase of pension to Morris B. Drake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris B. Drake, late of Company K, Twenty-third Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. NORTRIP.

The bill (H. R. 552) granting an increase of pension to William H. Nortrip was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Nortrip, late of Company I, Ninth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DECATUR HARMON.

The bill (H. R. 2640) granting an increase of pension to Decatur Harmon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Decatur Harmon, late of Company K, Eighty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARSHALL U. GAGE.

The bill (H. R. 4717) granting an increase of pension to Marshall U. Gage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marshall U. Gage, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DEARDOURFF.

The bill (H. R. 4766) granting an increase of pension to John Deardourff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Deardourff, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW LA FORGE.

The bill (H. R. 8565) granting an increase of pension to Andrew La Forge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew La Forge, late of Company B and captain Company I, Fifteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM LONG.

The bill (H. R. 8665) granting an increase of pension to Hiram Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Long, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE SILER.

The bill (H. R. 9839) granting an increase of pension to Jesse Siler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Siler, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN SHOOK.

The bill (H. R. 10019) granting an increase of pension to Jonathan Shook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Shook, late of Company C, Seventh Regiment, and Company A, Fifteenth Regiment, Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS A. WEST.

The bill (H. R. 10490) granting an increase of pension to Lucius A. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius A. West, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. GODWIN.

The bill (S. 518) granting an increase of pension to William T. Godwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Godwin, late first lieutenant Company A, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO D. MASON.

The bill (H. R. 12880) granting an increase of pension to Lorenzo D. Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo D. Mason, late of Company M, Second Regiment New Jersey Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

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JOSEPHINE HOORNBECK.

The bill (H. R. 11509) granting an increase of pension to Josephine Hoornbeck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine Hoornbeck, widow of Robert Hoornbeck, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY SMITH.

The bill (H. R. 15276) granting an increase of pension to Wesley Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley Smith, late of Company D, First Regiment Kentucky Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HANNAH.

The bill (H. R. 6888) granting an increase of pension to John W. Hannah was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Hannah, late of Company E, Sixteenth Regiment, and captain Company A, One hundred and twenty-fourth Regiment, Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HOWARD.

The bill (H. R. 5252) granting an increase of pension to Thomas Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Howard, late of Company A, Second Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM W. DAVENPORT.

The bill (H. R. 6110) granting an increase of pension to Abram W. Davenport was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram W. Davenport, late of Company H, Tenth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN K. MILLER.

The bill (H. R. 8062) granting an increase of pension to John K. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John K. Miller, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. PITCHFORD.

The bill (H. R. 7951) granting an increase of pension to William H. Pitchford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Pitchford, late of Company H, Twelfth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOTTOL LARSEN.

The bill (H. R. 8042) granting an increase of pension to Bottol Larsen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bottol Larsen, late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR R. DREPPARD.

The bill (H. R. 10900) granting an increase of pension to Arthur R. Dreppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur R. Dreppard, late of Company M, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and to pay him a pension of \$18 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY GILHAM.

The bill (H. R. 14655) granting an increase of pension to Henry Gilham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Gilham, late of Company H, Second Regiment Indiana Volunteer Infantry, war with Mexico, and Company E, Fifty-first Regiment Indiana Volunteer Infantry, and captain Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. MYERS.

The bill (H. R. 10879) granting an increase of pension to Thomas E. Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Myers, late of Company I, Second Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS R. SIMONS.

The bill (H. R. 3233) granting an increase of pension to Lucius R. Simons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius R. Simons, late of Company L, Tenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS JOYEUX.

The bill (H. R. 6465) granting an increase of pension to Augustus Joyeux was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Joyeux, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY O. ARNOLD.

The bill (H. R. 7225) granting an increase of pension to Mary O. Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary O. Arnold, widow of Marion Arnold, late of Company H, First Regiment Ohio Volunteer Light Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. HENDERSON.

The bill (H. R. 7609) granting an increase of pension to Charles W. Henderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Henderson, late first lieutenant Company H, Fifteenth Regiment New York Volunteer Engineers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANNA WALGWIST.

The bill (H. R. 7806) granting an increase of pension to Johanna Walgwist was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johanna Walgwist, widow of John S. Walgwist, alias Jonas Walgwist, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and to pay her a pension of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Anna C. Walgwist, helpless and dependent daughter of said John S. Walgwist, alias Jonas Walgwist, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Johanna Walgwist the name of Anna C. Walgwist shall be placed on the pension roll at \$12 per month from and after the date of the death of said Johanna Walgwist.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. LEWIS.

The bill (H. R. 4946) granting an increase of pension to William H. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H.

Lewis, late of Company E, Thirteenth Regiment New York Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA GRABILL.

The bill (H. R. 8328) granting an increase of pension to Ira Grabill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira Grabill, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. JONES.

The bill (H. R. 9053) granting an increase of pension to John M. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Jones, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN PARISH.

The bill (H. R. 9126) granting an increase of pension to Nathan Parish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan Parish, late of Company K, Seventy-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES I. MITTLER.

The bill (S. 5074) granting an increase of pension to James I. Mittler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James I. Mittler, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER SLOGGY.

The bill (S. 5324) granting an increase of pension to Peter Sloggy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Sloggy, late captain Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HORACE A. GREGORY.

The bill (S. 5244) granting an increase of pension to Horace A. Gregory was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace A. Gregory, late of Company B, Seventh Regiment, and Company E, Forty-seventh Regiment, Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMILIE SCHELDT.

The bill (H. R. 6058) granting an increase of pension to Emilie Scheldt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emilie Scheldt, widow of Julius Scheldt, late second lieutenant Company E, Thirty-seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH RUPERT.

The bill (H. R. 2267) granting an increase of pension to Joseph Rupert was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Joseph Rupert, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL GREENLEE.

The bill (H. R. 3978) granting an increase of pension to Samuel Greenlee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Greenlee, late of Company A, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and Company I, Sixth Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN CALLAHAN.

The bill (H. R. 4209) granting an increase of pension to Martin Callahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Callahan, late captain Company F, Ninth Regiment Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN V. CANNEDY.

The bill (H. R. 8315) granting an increase of pension to Martin V. Cannedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin V. Cannedy, late of Company H, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARNE C. WELCH.

The bill (H. R. 8206) granting an increase of pension to Carner C. Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carner C. Welch, late of Company D, Seventy-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. FRIEND.

The bill (H. R. 1027) granting an increase of pension to Charles H. Friend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Friend, late of Company F, Second Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALPHENIS M. BEALL.

The bill (H. R. 10562) granting an increase of pension to Alphenis M. Beall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alphenis M. Beall, late of Captain Snell's independent company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. CHAMBERS.

The bill (H. R. 10785) granting a pension to Thomas J. Chambers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Chambers, late of Company E, First Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian war, and to pay him a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. HOUSTON.

The bill (S. 3819) granting an increase of pension to William H. Houston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "Seminole Indian war;" and in the same line, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wil-

liam H. Houston, late of Captain Hart's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. GARDNER.

The bill (S. 3112) granting an increase of pension to James H. Gardner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Gardner, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. TRICE.

The bill (S. 1733) granting an increase of pension to George W. Trice was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "war," to strike out "Army" and insert "Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Trice, late of Company B, Fourth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARETT CARROLL.

The bill (H. R. 5486) granting a pension to Margaret Carroll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Carroll, widow of Henry L. Carroll, late first lieutenant Company B, First Battalion Georgia Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC N. SEAL.

The bill (H. R. 15249) granting an increase of pension to Isaac N. Seal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Seal, late of Company F, Fifty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DORA A. WEATHERSBY.

The bill (H. R. 3541) granting a pension to Dora A. Weathersby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dora A. Weathersby, widow of Howard L. Weathersby, late musician, First Regiment Mississippi Volunteer Infantry, war with Spain, and to pay her a pension of \$12 per month, and \$2 per month additional on account of each of the minor children of said Howard L. Weathersby until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BLAIR.

The bill (H. R. 6407) granting an increase of pension to William Blair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Blair, late of Company D, Eighth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SMITH.

The bill (H. R. 8316) granting an increase of pension to William Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William

Smith, late of Company I, One hundred and sixty-second Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET BECKER.

The bill (H. R. 8930) granting an increase of pension to Margaret Becker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Becker, widow of John P. Becker, late captain Company K, Second Regiment Louisiana Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. PRESTON.

The bill (H. R. 9406) granting an increase of pension to Francis W. Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis W. Preston, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. HUNTER.

The bill (S. 5079) granting an increase of pension to Andrew J. Hunter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WALTER LYNN.

The bill (S. 3182) granting an increase of pension to Walter Lynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter Lynn, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. PRENTISS.

The bill (S. 5287) granting an increase of pension to John M. Prentiss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Prentiss, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN H. HULBERT.

The bill (H. R. 2341) granting an increase of pension to Helen H. Hulbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen H. Hulbert, widow of William L. Hulbert, late captain Company G, One hundred and seventeenth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. HILL.

The bill (H. R. 3660) granting an increase of pension to James H. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Hill, late of Company E, Second Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. DAVIS.

The bill (H. R. 5725) granting an increase of pension to John G. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Davis, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATE E. COBB.

The bill (H. R. 5726) granting an increase of pension to Cate E. Cobb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cate E. Cobb, widow of Gaston D. Cobb, late surgeon First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE E. PETERS.

The bill (H. R. 7823) granting an increase of pension to Annie E. Peters was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie E. Peters, widow of John A. Peters, late of U. S. S. *North Carolina*, *Potomac*, and *Metacomb*, United States Navy, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST BAUER.

The bill (H. R. 10816) granting an increase of pension to August Bauer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Bauer, late of Company F, One hundred and fortieth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. BOYD.

The bill (H. R. 10907) granting an increase of pension to John N. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Boyd, late of Company K, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES RATTRAY.

The bill (H. R. 14878) granting an increase of pension to Charles Rattray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Rattray, late major Fifty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID MOREHART.

The bill (S. 3996) granting an increase of pension to David Morehart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Morehart, late of Company H, Thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILIE GRACE REICH.

The bill (S. 1308) granting an increase of pension to Emilie Wood Reich was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emilie Grace Reich, widow of Henry F. Reich, late lieutenant, United States Navy, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said Henry F. Reich until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emilie Grace Reich."

WILLIAM R. DUNCAN.

The bill (H. R. 1897) granting an increase of pension to William R. Duncan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Duncan, late of Company G, Third Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH F. GALBRAITH.

The bill (H. R. 10293) granting an increase of pension to Sarah F. Galbraith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah F. Galbraith, widow of Robert Galbraith, late lieutenant-colonel Fifth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC N. PERRY.

The bill (H. R. 14113) granting an increase of pension to Isaac N. Perry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Perry, late of Company E, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL H. ROME.

The bill (H. R. 14840) granting an increase of pension to Nathaniel H. Rome was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel H. Rome, late of Company I, Sixth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. GIPSON.

The bill (S. 2952) granting an increase of pension to William A. Gipson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Gipson, late of Company K, Fifteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RUFUS G. CHILDRESS.

The bill (H. R. 2697) granting an increase of pension to Rufus G. Childress was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rufus G. Childress, late of Capt. J. S. Boggess's company, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WOLCOTT.

The bill (H. R. 4352) granting an increase of pension to Thomas Wolcott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Wolcott, late of Company D, Sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN Q. WARD.

The bill (H. R. 8530) granting an increase of pension to Benjamin Q. Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Q. Ward, late of Company A, Light Artillery, Santa Fe Battalion Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. SHORT.

The bill (H. R. 4593) granting a pension to William C. Short was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Short, late of Captain Long's company, First Regiment Texas Mounted Volun-

teers, war with Mexico, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. BARRY.

The bill (H. R. 4598) granting an increase of pension to James B. Barry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Barry, late of Company K, First Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. MALONE.

The bill (H. R. 10396) granting an increase of pension to John A. Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Malone, late of Company I, Twenty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. FRAZER.

The bill (H. R. 10448) granting an increase of pension to George M. Frazer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Frazer, late of Captain Baylor's company, Lane's battalion Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS H. BALLARD.

The bill (H. R. 10450) granting an increase of pension to Silas H. Ballard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas H. Ballard, late of Captain Curtis's Company, Raiford's Battalion, Alabama Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID F. CRAMPTON.

The bill (S. 3252) granting an increase of pension to David F. Crampton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "A" and insert "I;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David F. Crampton, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. DE PUY.

The bill (S. 5172) granting an increase of pension to John M. De Puy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name of "Du Puy" and insert "De Puy;" in line 7, before the word "Infantry," to strike out "Volunteer," and in line 8, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. De Puy, late of Company E, Nineteenth Regiment New York State Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John M. De Puy."

ALBERT L. CALLAWAY.

The bill (S. 4520) granting an increase of pension to Albert L. Callaway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert L. Callaway, late of Companies F and C, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WHEELER.

The bill (S. 2507) granting an increase of pension to William Wheeler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wheeler, late of Company I, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CARRIE E. CONSTINETT.

The bill (S. 2115) granting a pension to Carrie E. Constinett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6 after, the words "late of," to strike out "Company" and insert "Battery;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie E. Costinett, widow of Henry J. Costinett, late of Battery A, Fourth Regiment United States Artillery, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOAH C. FOWLER.

The bill (S. 2568) granting an increase of pension to Noah C. Fowler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Noah C. Fowler, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. WALLACE.

The bill (H. R. 1241) granting an increase of pension to John G. Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Wallace, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE L. JANNEY.

The bill (H. R. 4691) granting an increase of pension to George L. Janney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Janney, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS PATTERSON.

The bill (H. R. 6128) granting an increase of pension to Thomas Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas

Patterson, late of Company A, Tenth Regiment Iowa Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MOORE.

The bill (H. R. 4888) granting an increase of pension to William Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Moore, late second lieutenant Company C, Seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIOtha BENNETT.

The bill (H. R. 2082) granting an increase of pension to Siotta Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Siotta Bennett, widow of Clarence E. Bennett, late lieutenant-colonel First Regiment California Volunteer Cavalry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES C. BRIANT.

The bill (H. R. 8823) granting an increase of pension to Charles C. Briant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles C. Briant, late captain Company K, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARQUIS L. JOHNSON.

The bill (H. R. 8942) granting an increase of pension to Marquis L. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marquis L. Johnson, late captain Company I, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK A. WINANS.

The bill (H. R. 10230) granting an increase of pension to Clark A. Winans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clark A. Winans, late of Company C, One hundred and fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. SACKETT.

The bill (H. R. 10300) granting an increase of pension to George C. Sackett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Sackett, late of Company C, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA ROCKWELL.

The bill (H. R. 10923) granting an increase of pension to Matilda Rockwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda Rockwell, widow of Henry S. Rockwell, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH D. HOPPIN.

The bill (H. R. 9296) granting an increase of pension to Elizabeth D. Hoppin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth D. Hoppin, widow of Curtis B. Hoppin, late major, Fifteenth Regiment United States Cavalry, and to pay her a pension of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of said Curtis B. Hoppin until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH F. ALLEN.

The bill (H. R. 13198) granting an increase of pension to Josiah F. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah F. Allen, late of Company I, One hundred and twelfth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN M. BRANT.

The bill (H. R. 2090) granting an increase of pension to Ellen M. Brant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen M. Brant, widow of Uriah Brant, late first lieutenant and captain Company H, Seventh Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar of pension bills and bills to correct military records.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 3, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 2, 1906.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Henry B. F. Macfarland, of the District of Columbia, to be a Commissioner of the District of Columbia for the term of three years from May 5, 1906. This is a reappointment.

SECRETARY OF EMBASSY.

George L. Lorillard, of Rhode Island, now secretary of the legation at Copenhagen, to be secretary of the embassy of the United States at Rio de Janeiro, Brazil, vice Charles Richardson, nominated to be secretary of the legation at Copenhagen.

SECRETARY OF LEGATION.

Charles Richardson, of Massachusetts, now secretary of the embassy at Rio de Janeiro, to be secretary of the legation of the United States at Copenhagen, Denmark, vice George L. Lorillard, nominated to be secretary of the embassy at Rio de Janeiro.

COLLECTORS OF CUSTOMS.

John A. Merritt, of New York, to be collector of customs for the district of Niagara, in the State of New York, in place of James Low, deceased.

John M. Vogell, of Maine, to be collector of customs for the district of Castine, in the State of Maine, to succeed George M. Warren, whose term of office will expire by limitation April 20, 1906.

Albert Halstead, of the District of Columbia, to be consul of the United States at Birmingham, England, vice Marshal Halstead, resigned.

PROMOTIONS IN THE ARMY.

Maj. John P. Kisser, detailed inspector-general, to be lieutenant-colonel in the Artillery Corps from March 28, 1906, vice Califf, appointed brigadier-general.

Maj. John M. Banister, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel from March 29, 1906, vice Turrill, appointed brigadier-general.

Capt. Alexander N. Stark, assistant surgeon, to be surgeon with the rank of major from March 29, 1906, vice Banister, promoted.

PROMOTIONS IN THE NAVY.

Paymaster Eugene D. Ryan to be a pay inspector in the Navy from the 10th day of February, 1906, vice Pay Inspector Harry R. Sullivan, retired.

Carpenter Frederick C. Le Pine to be a chief carpenter in the Navy from the 10th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

CALIFORNIA.

Miriam H. Chittenden to be postmaster at Corning, in the county of Tehama and State of California, in place of Arthur J. Chittenden, deceased.

Roy B. Stephens to be postmaster at South Pasadena, in the county of Los Angeles and State of California, in place of Roy B. Stephens. Incumbent's commission expires April 5, 1906.

DISTRICT OF COLUMBIA.

Benjamin F. Barnes to be postmaster at Washington, in the District of Columbia, in place of John A. Merritt, resigned.

GEORGIA.

William F. Boone to be postmaster at Baxley, in the county of Appling and State of Georgia. Office became Presidential January 1, 1906.

Henry B. Sutton to be postmaster at Ocilla, in the county of Irwin and State of Georgia, in place of Walter C. Terrell, resigned.

ILLINOIS.

J. H. Abercrombie to be postmaster at Aledo, in the county of Mercer and State of Illinois, in place of James A. Cummins. Incumbent's commission expired March 5, 1906.

Harrison P. Nichols to be postmaster at Maywood, in the county of Cook and State of Illinois, in place of Harrison P. Nichols. Incumbent's commission expired March 14, 1906.

Joseph H. Pierson to be postmaster at Carrollton, in the county of Greene and State of Illinois, in place of Joseph H. Pierson. Incumbent's commission expired March 14, 1906.

Zachary Taylor to be postmaster at Colfax, in the county of McLean and State of Illinois, in place of Zachary Taylor. Incumbent's commission expires May 27, 1906.

IOWA.

James T. Ellis to be postmaster at Panora, in the county of Guthrie and State of Iowa, in place of James T. Ellis. Incumbent's commission expired January 28, 1906.

Roman C. White to be postmaster at Glenwood, in the county of Mills and State of Iowa, in place of Roman C. White. Incumbent's commission expired January 28, 1906.

LOUISIANA.

Byrnes M. Young to be postmaster at Morgan City, in the parish of St. Mary and State of Louisiana, in place of Byrnes M. Young. Incumbent's commission expires April 5, 1906.

MICHIGAN.

Thaddeus B. Bailey to be postmaster at Manchester, in the county of Washtenaw and State of Michigan, in place of Thaddeus B. Bailey. Incumbent's commission expired March 19, 1906.

MINNESOTA.

Almon E. King to be postmaster at Redwood Falls, in the county of Redwood and State of Minnesota, in place of Almon E. King. Incumbent's commission expires April 5, 1906.

Arthur McBride to be postmaster at Walker, in the county of Cass and State of Minnesota. Office became Presidential January 1, 1906.

Peter A. Peterson to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota, in place of Peter A. Peterson. Incumbent's commission expires April 30, 1906.

George H. Tome to be postmaster at Pine Island, in the county of Goodhue and State of Minnesota, in place of Henry Tome, resigned.

MONTANA.

George W. Huffaker to be postmaster at Helena, in the county of Lewis and Clark and State of Montana, in place of George W. Huffaker. Incumbent's commission expires May 15, 1906.

NEBRASKA.

Frank M. Kimmell to be postmaster at McCook, in the county of Red Willow and State of Nebraska, in place of Frank M. Kimmell. Incumbent's commission expired March 14, 1906.

NEW HAMPSHIRE.

Frank B. Williams to be postmaster at Enfield, in the county of Grafton and State of New Hampshire, in place of Frank B. Williams. Incumbent's commission expires April 17, 1906.

NEW JERSEY.

Charles S. Robinson to be postmaster at Princeton, in the county of Mercer and State of New Jersey, in place of Charles S. Robinson. Incumbent's commission expired March 10, 1906.

OHIO.

George H. Hildebrand to be postmaster at Ashland, in the county of Ashland and State of Ohio, in place of Clifton G. Ducomb. Incumbent's commission expires May 7, 1906.

PENNSYLVANIA.

George R. Adam to be postmaster at Brockwayville, in the county of Jefferson and State of Pennsylvania, in place of Daniel D. Groves. Incumbent's commission expires April 10, 1906.

Fred J. Andrus to be postmaster at Cross Fork, in the county of Potter and State of Pennsylvania, in place of Harry Duncan. Incumbent's commission expired February 5, 1906.

Milton P. Schantz to be postmaster at Allentown, in the county of Lehigh and State of Pennsylvania, in place of Milton P. Schantz. Incumbent's commission expired March 26, 1906.

PORTO RICO.

Fred Leser, jr., to be postmaster at Mayaguez, in the department of Mayaguez and island of Porto Rico, in place of Fred Leser, jr. Incumbent's commission expired January 28, 1906.

WYOMING.

Elmer T. Beltz to be postmaster at Laramie, in the county of Albany and State of Wyoming, in place of Elmer T. Beltz. Incumbent's commission expires April 30, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 2, 1906.

CONSUL.

Eugene L. Belisle, of Massachusetts, to be consul of the United States at Limoges, France.

RECEIVER OF PUBLIC MONEYS.

Alfred H. Taylor, of California, to be receiver of public moneys at Susanville, Cal., to take effect April 16, 1906.

REGISTER OF LAND OFFICE.

Thomas A. Roseberry, of California, to be register of the land office at Susanville, Cal., to take effect April 16, 1906.

APPOINTMENTS IN THE ARMY.

First Lieut. Wallace M. Craigie, Seventh Infantry, from the infantry arm to the cavalry arm, with rank from February 2, 1901.

First Lieut. Russell T. Hazzard, First Cavalry, from the cavalry arm to the infantry arm, with rank from February 2, 1901.

PROMOTIONS IN THE ARMY.

ARTILLERY CORPS.

To be lieutenant-colonels.

Maj. Henry M. Andrews, Artillery Corps, from March 3, 1906.
Maj. Charles D. Parkhurst, Artillery Corps, from March 16, 1906.

To be major.

Capt. George W. Van Deusen, Artillery Corps, from March 3, 1906.

To be captains.

First Lieut. Frank E. Hopkins, Artillery Corps, from February 24, 1906.

First Lieut. Ernest R. Tilton, Artillery Corps, from March 3, 1906.

First Lieut. Homer B. Grant, Artillery Corps, from March 3, 1906.

First Lieut. Leonard T. Waldron, Artillery Corps, from March 9, 1906.

CAVALRY ARM.

Second Lieut. George H. Baird, Eleventh Cavalry, to be first lieutenant from March 27, 1906.

ARTILLERY CORPS.

Lieut. Col. Harry R. Anderson, Artillery Corps, to be colonel from March 26, 1906.

Maj. Montgomery M. Macomb, Artillery Corps, to be lieutenant-colonel from March 26, 1906.

INFANTRY ARM.

Maj. Edward E. Hardin, Seventh Infantry, to be lieutenant-colonel from March 23, 1906.

Capt. William H. Sage, Twenty-third Infantry, to be major from March 23, 1906.

First Lieut. Alfred Aloe, Twelfth Infantry, to be captain from January 24, 1906.

First Lieut. Thomas J. Fealy, First Infantry, to be captain from February 17, 1906.

First Lieut. Frank W. Rowell, Eleventh Infantry, to be captain from March 3, 1906.

First Lieut. Hugh A. Drum, Twenty-third Infantry, to be captain from March 23, 1906.

First Lieut. John M. Campbell, Fifth Infantry, to be captain, from March 24, 1906.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the Navy from the 24th day of March, 1906, to fill vacancies existing in that grade on that date:

Condie K. Winn, a citizen of Alabama.

John B. Kaufman, a citizen of Virginia.

Ausey H. Robnett, a citizen of Texas.

Matthew H. Ames, a citizen of Maryland.

William S. Kuder, a citizen of Pennsylvania.

Walter F. Schaller, a citizen of California, to be an assistant surgeon in the Navy from the 21st day of March, 1906.

PROMOTIONS IN THE NAVY.

Lieut. Commander Albert N. Wood to be a commander in the Navy from the 12th day of February, 1906.

Asst. Paymaster James F. Kutz to be a passed assistant paymaster in the Navy from the 2d day of February, 1906.

Boatswain Frederick R. Hazard to be a chief boatswain in the Navy from the 1st day of March, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Andrew Olsson to be a chief gunner in the Navy from the 16th day of September, 1904, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

NEW HAMPSHIRE.

Ellsworth F. Pike to be postmaster at Franklin (late Franklin Falls), in the county of Merrimack and State of New Hampshire.

John T. Welch to be postmaster at Dover, in the county of Strafford and State of New Hampshire.

PENNSYLVANIA.

Frederick H. Bartleson to be postmaster at Sharpsville, in the county of Mercer and State of Pennsylvania.

VIRGINIA.

J. Harvey Furr to be postmaster at Waynesboro, in the county of Augusta and State of Virginia.

HOUSE OF REPRESENTATIVES.

Monday, April 2, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

PENSION APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 13113), making appropriations for the payment of invalid and other pensions of the United States, with Senate amendments, which were read.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferences: Mr. GARDNER of Michigan, Mr. BROWNLOW, and Mr. SULLIVAN of Massachusetts.

HAZING AT NAVAL ACADEMY.

Mr. VREELAND. Mr. Speaker, I desire to call up the conference report on Senate bill 3899, and ask unanimous consent to dispense with the reading of the report, and ask that the statement be read.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3899) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments, as follows:

In section 1, line 5, of said amendment, after the word "of," insert the following: "the facts upon which are based."

At the end of section 1 of said amendment add the following: "And the truth of any issue of fact so raised, except upon the record of demerit, shall be determined by a board of inquiry convened by the Secretary of the Navy under the rules and regulations for the government of the Navy."

And the House agree to the same.

EDWARD B. VREELAND,

Geo. A. LOUD,

L. P. PADGETT,

Managers on the part of the House.

EUGENE HALE,

CHARLES DICK,

B. R. TILMAN,

Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The statement was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 3899, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the Senate amendments, namely:

In section 1 of the bill the Superintendent of the Naval Academy is required to state to the Secretary of the Navy his reasons for recommending the dismissal of any midshipman. The amendment as agreed to requires him to state "the facts upon which such reasons are based."

The effect of the second amendment as agreed to, to the same section, is to require a board of inquiry to determine and report to the Secretary of the Navy upon questions of fact which may be alleged as reasons for such dismissal.

EDWARD B. VREELAND,

GEORGE A. LOUD,

L. P. PADGETT,

Managers on the part of the House.

Mr. VREELAND. Mr. Speaker, I move to agree to the conference report.

Mr. RIXEY. Mr. Speaker, I desire to ask the gentleman a question. I understand that the conferees and managers adopted the House bill. Is that the case?

Mr. VREELAND. The Senate conferees practically adopted the House substitute as it passed in the House, with two slight amendments.

Mr. RIXEY. That amendment as I understand, applies to the first section?

Mr. VREELAND. To the first section only.

Mr. RIXEY. And as I understand it, a midshipman, where there is a difference as to the facts, has the right to a board of inquiry.

Mr. VREELAND. That is the purport of the amendment.

Mr. RIXEY. It safeguards the right of the midshipmen.

Mr. VREELAND. Yes.

The question was taken; and the conference report was agreed to.

LIABILITY OF EMPLOYERS.

Mr. STERLING. Mr. Speaker, I move that the House suspend the rules and pass the bill H. R. 239, with the committee amendments, known as the "employers' liability bill."

The bill as amended was read, as follows:

A bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

Be it enacted, etc., That every common carrier by railroad engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, or between any Territory and another, or between any Territory or Territories and any State or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be liable to any of its employees, or, in the case of his death, to his personal representative for the benefit of his widow and children, if any, if none, for his next of kin dependent upon him, for all damages which may result from the negligence of any of its officers, agents, or employees, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways, or works.

SEC. 2. That in all actions hereafter brought against any such common carriers by railroad to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

SEC. 3. That no contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however,* That upon the trial of such action against any such common carrier by railroad the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his heirs at law.

SEC. 4. That no action shall be maintained under this act, unless commenced within two years from the time the cause of action accrued.

SEC. 5. That nothing in this act shall be held to limit the duty of common carriers by railroads or impair the rights of their employees under the safety-appliance act of March 2, 1893, as amended April 1, 1896, and March 2, 1903.

The SPEAKER. The gentleman's motion is to suspend the rules, and, with the amendments recommended by the committee, pass the bill.

Mr. DRISCOLL. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New York demands a second.

Mr. STERLING. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Illinois is entitled to twenty minutes, and the gentleman from New York [Mr. DRISCOLL] is entitled to twenty minutes.

Mr. DRISCOLL. Before the gentleman from Illinois commences to explain the bill, Mr. Speaker, I ask unanimous consent that an amendment which I have prepared may be reported.

The SPEAKER. The gentleman from New York asks unanimous consent that an amendment be read.

Mr. STERLING. I object.

Mr. DRISCOLL. I ask the gentleman not to object now, but to let the amendment be read.

Mr. STERLING. I reserve the objection until the amendment is read.

The amendment was read, as follows:

Strike out all of the first section after the enacting clause and insert in lieu thereof the following:

"That every common carrier by railroad engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, or between any Territory and another, or between any Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be liable to any of its employees for all damages which may result from the negligence of any of its officers, agents, or employees. And in case of death the personal representative of such decedent employee, who has left him or her surviving a husband, wife, or next of kin, may maintain an action to recover damages for the wrongful acts above set forth against such common carrier by railroad. The damages so recovered shall be for the husband or wife and next of kin, and shall be distributed as unbequeathed assets after the payment of all debts and expenses of administration. But the plaintiff may deduct the expenses of the action and funeral expenses. The damages shall be only a fair and just compensation for the pecuniary injuries resulting from the decedent's death to the person or persons for whose benefit the action is brought."

Mr. STERLING. I object to the amendment, Mr. Speaker.

The SPEAKER. The gentleman from Illinois is entitled to twenty minutes and the gentleman from New York twenty minutes.

Mr. STERLING. Mr. Speaker, the purpose of this bill is to modify certain common-law rules with reference to the liability of railroads to their employees for personal injury. The scope of the bill relates to railroads engaged in commerce in the District of Columbia, the Territories, and interstate commerce. The first paragraph of the bill sets aside the doctrine of fellow-servant, and also provides that common carriers engaged in interstate commerce by railroad shall be liable for injury caused by any defect or insufficiency due to their negligence in cars, engines, equipments, roadbeds and right of way, and in methods of operating the road. It abrogates the common-law doctrine of fellow-servant.

The first paragraph abolishes the common-law doctrine of fellow-servant and provides that common carriers of this character shall be liable for personal injury or for the death of the employee, even though it be caused by the negligence of the coemployee. The second section of the bill—

Mr. PAYNE. Is that without regard to the negligence on the part of anybody in the employ of the railroad company, to make them absolutely responsible, to insure them?

Mr. STERLING. It simply provides that they shall recover for an injury caused by the negligence of the company or any employee of the railroad company.

The second section relates to the common-law doctrine of contributory negligence, and in its scope is the same as the first section relating to common carriers by railroad engaged in carrying commerce in the Territories or the District of Columbia or between the States. It adds to the doctrine of contributory negligence a modified form of the doctrine of comparative negligence. It provides that the injured employee or his personal representative in case of death shall not be barred from recovery of damages on account of the negligence of the injured employee, if the negligence of the employee that is injured or killed is slight and that of the railroad company or its employees or agents or officers is gross in comparison with the negligence of the injured employee.

It provides further that the damages shall be diminished in proportion to the negligence attributable to the injured employee or the employee that is killed by the negligence of the company or its agents. The third section relates to the contracts of employment, indemnity, or insurance, which are being used very generally by many of the railroads, which seek to release the railroad company from liability for personal injury to the employee, regardless of whether or not the injury is due to the negligence of the railroad company. These contracts are com-

ing to be very generally used, and I think they ought to be declared as against public policy.

Mr. BARTLETT. Will the gentleman permit a question?

Mr. STERLING. I will yield to the gentleman.

Mr. BARTLETT. I would like to inquire of the gentleman as to the construction or intention of this act. Is it to make all railroads that are engaged in interstate commerce liable as provided for in the first section, whether the injury or accident happened while the train or the work that the employee was engaged upon was at the time interstate-commerce business? For instance, take the Southern Railroad, which runs from Macon, Ga., to this city; they also run trains that do not come beyond the limits of the State of Georgia. Suppose upon one of these trains that was doing business in Georgia, and did not go beyond the limits of Georgia, an injury should happen to an employee through the negligence of a coemployee, and the suit should be brought and tried in the State court, would this proposed law make the railroad liable in that instance?

I want to say to the gentleman from Illinois that I am in thorough accord with the purpose of this bill, or any bill that proposes to repeal the common law upon the subject of the negligence of the "fellow-servant," which at present makes it impossible for the servant to recover on account of the negligence of the coemployee, when the injured servant has not himself contributed materially to the injury. Our law in Georgia for fifty years has permitted a railroad employee to recover for the negligence of a fellow-servant, when the injured employee is without fault; but I want to inquire what the gentleman thinks is the effect of this act—whether it relates to an injury inflicted by a railroad engaged in interstate commerce, but the suit is brought for damages inflicted while the railroad is engaged in transactions of business which at the instance is not interstate commerce?

Mr. STERLING. I will say in reply to the gentleman that, in my opinion, it will affect the railroads engaged in interstate commerce whether the particular train, or the particular employee that is engaged on any particular train, happens to be at the time engaged in carrying commerce from one State to another or not. I will say, further, that the scope of the bill in that regard is set forth substantially in the same words as the act of Congress relating to safety appliances, approved in 1903, and also in substantially the same words as the arbitration law passed by Congress two or three years ago. I think, and I understand it is the opinion of the Interstate Commerce Commission, that that amendment to the safety-appliance law applies to trains of cars on railroads which carry interstate commerce, regardless of whether the particular car that has not the safety appliance is engaged in interstate commerce or not.

Mr. BARTLETT. I will ask the gentleman one more question, and then I will not trouble him further. Suppose suit is brought for an injury happening under circumstances which the gentleman has last detailed, and suit is brought in the State court, and the State has a law different from the one we have here—for instance, as is the law in the State of Georgia, which does not allow the doctrine of comparative negligence—how will this proposed act affect that?

Mr. STERLING. I think there is no doubt that this statute, within its scope, would control the statutes of the several States. That is one purpose of the bill, to have a uniform rule with reference to the employees engaged in interstate commerce.

Mr. BARTLETT. I have no objection; but what would be the effect—would it abrogate the law of my State?

Mr. STERLING. Yes; if the State law is in conflict with it.

Mr. LACEY. I would like to ask the gentleman a question.

Mr. STERLING. I will yield to the gentleman.

Mr. LACEY. Section 1 of this bill is practically, in its main feature, what we have had in Iowa since 1862, but there is this difference: The Iowa law, first enacted in 1862 and amended in 1873, provides for the negligence of any employee in connection with the operation of the railway when engaged on hazardous business of operating the railway.

Thus it legislates as to a particular class of employees and treats alike all who are engaged in like employment. The question of the constitutionality of the Iowa statute was raised, and it was held valid because it was limited to the dangers of railroading. It did not apply in railway machine shops and other work of that class. The law has worked well in Iowa for forty-four years, and other States have adopted it. But the constitutional objection was avoided there by the form of the law. I suggest that there may be a question raised under the form of this bill, which might easily be avoided. When the subject of the constitutionality of the Iowa law came up it was said that inasmuch as it was limited to that particular hazardous employment and treated all railways alike it was constitutional. Now, railways have machine shops, and

this bill the way it is drawn provides that in a machine shop "or works" the same rule would not apply to a railroad machine shop that would apply to an ordinary machine shop.

Mr. STERLING. Mr. Speaker, I do not think it would apply to employment in a railroad shop where the company is engaged in the manufacture or repair of cars. I think it would apply to trainmen, switchmen, men in the roundhouse that have charge of the engines, and any other employees whose duty relates to or is connected with the business of carrying commerce, but I do not believe it would go any further than that.

Mr. LACEY. The words "or works" are added. In the Iowa law it is provided that where the injury grows out of the hazardous nature of the railway service, and that alone, they shall be liable, and that distinction has been drawn, and the constitutionality of the law sustained because the distinction was drawn; but if you provide a law that will not protect an employee in an ordinary factory and will protect him in the same sort of a factory when run by a railroad there might be a question about the validity or constitutionality of the act. In the light of the decisions in the Iowa law I suggest that care should be exercised to steer clear of constitutional objections.

Mr. STERLING. Mr. Speaker, I think the reason given by the gentleman himself is sufficient to sustain the bill as constitutional. I think it does relate to the extra hazardous occupation of the men employed by the railroad company.

Mr. YOUNG. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. STERLING. Mr. Speaker, I can not yield further, for the reason that my time is too limited.

The SPEAKER. The gentleman has eight minutes remaining.

Mr. STERLING. Mr. Speaker, I reserve the balance of my time.

Mr. DRISCOLL. Mr. Speaker, I did not demand a second for the purpose of opposing this bill, but I did hope to get the amendment which I offered before the House, and I did hope also that the amendment would be considered on its merits, because I believe it improves the first section of this bill very much. I will explain one or two of the provisions of that amendment. The amendment first provides that a husband may have a cause of action for the death of his wife under the same circumstances in which the wife may have a cause of action for the loss of a husband in case of death. I am not so very particular about that provision, but I think it is the law in most of the States, and I think it ought to be incorporated in this bill.

Second, this bill provides for a rule of damages, and it provides that the damages shall be what are considered a just and fair compensation resulting to the person or persons for whom the action may be brought on account of the death of the decedent. This bill says that if a man be killed his widow and children and next of kin dependent on him for support may recover all damages which they may suffer. Now, in my notion, the courts may construe that as allowing the jury to assess damages for loss of society, for wear and tear on the affections, for the affliction and bereavement caused, and for all sorts of loss and damages which the person whose loved one is killed may sustain. That would be entirely unfair. If the courts allowed the jury to do that, they would go into the realm of speculation and guess, and nobody could tell where they would stop, because there would be no limitation or rule of damages. Again, the amendment provides for the distribution of the recovery. The present bill does not provide how it shall be distributed. Now, the amendment provides that it shall not be subject to any of the debts of the decedent, that it shall be distributed as the unbequeathed assets after the payment of debts and expenses of administration. Let me apply this. Suppose an action is brought by a citizen of this District against a corporation in the District. The law of the District provides that damages recovered in this way shall not be subject to the debts of the decedent. An action is brought and two allegations are contained in the complaint, one for the negligence of a coemployee and one because of some defect or insufficiency in the ways or works which is the cause of action under the common law. Both theories are submitted to the jury. The jury returns a general verdict. Now, when it comes to the distribution of this money, according to this bill, the debts must be paid before the distribution. It does not say they shall not be, but debts are always a claim against the personal estate of everyone.

Mr. GILBERT of Kentucky. But that would not be a part of the assets of the decedent. That sum would not constitute any part of the fund—

Mr. DRISCOLL. But that ought to be stated.

Mr. GILBERT of California. Mr. Speaker, I will say that

the very point which the gentleman is now making was carefully considered by the Judiciary Committee, and the amendment was drafted so that the creditors should not have any claim upon it.

Mr. DRISCOLL. But it does not say so in the bill.

Mr. GILBERT of California. In effect it means that.

Mr. DRISCOLL. It ought to be stated in the bill that the damages recovered shall not be subject to the debts of the decedent, in order that there may be uniformity of law and that there be no confusion about the distribution of these funds.

Mr. GILBERT of Kentucky. I suggest that it has been repeatedly decided that damages recovered for the death of an employee do not constitute any part of the decedent's estate. It is not distributable among the creditors.

Mr. DRISCOLL. They will not if you say so in this bill.

Mr. GILBERT of Kentucky. Whether you say so or not.

Mr. KEIFER. Mr. Speaker, I rise to make an inquiry. This bill is presented under a motion to suspend the rules. A second has been demanded and the two gentlemen managing both sides of the discussion are in favor of the bill. We would like to have had some one against it.

The SPEAKER. The Chair will state to the gentleman from Ohio that the only gentleman demanding a second was the gentleman from New York and it was impossible for the Chair to know whether he was for or against the bill.

Mr. KEIFER. But, Mr. Speaker, he stated that he was not opposed to the bill.

The SPEAKER. Not when he demanded a second.

Mr. KEIFER. I understood him to say that.

Mr. CRUMPACKER. Mr. Speaker, I rose to demand a second, and the gentleman from New York rose at about the same time, and I supposed, of course, he was against the bill; so I surrendered any claim that I might have.

The SPEAKER. If the Chair had been informed at that time that the gentleman was for the bill, the Chair would have recognized some one who was opposed to the bill, but the gentleman from New York was the only Member who demanded recognition.

Mr. DRISCOLL. Mr. Speaker, on that point I wish to say I asked the gentleman from Illinois who has charge of the bill if there was anybody on the committee who wanted to demand a second and he said he did not think so. I spoke to the gentleman from New Jersey [Mr. PARKER], who is against the bill, and told him I would not demand a second if he wished to do so, but I did want to offer this amendment and ask a few questions about this bill. Now, if it is in order and the proper thing to do, I yield the rest of my time to those gentlemen.

Mr. Speaker, this bill contains some provisions for the protection and benefit of employees in the railway service, but they are not all, in my judgment, so clearly and definitely stated as to be free from doubt as to their meaning, and much confusion and a large amount of litigation in their interpretation and construction are quite sure to follow.

Let us analyze this first section. According to it a railroad company shall be liable to its employees for all damages which may result from the negligence of any of its officers, agents, or employees, and so forth. That is clear enough and not open to more than one construction. It discontinues the common-law rule of fellow-servant. In case of an employee's death, what happens? The company is liable "to his personal representative, for the benefit of his widow and children, if any; if none, for his next of kin dependent upon him," and so forth. Under the common law there is no cause of action for a death loss caused by negligence. Wherever such rights of action now exist they are created by statute, and such statutes have been passed by most, if not all, the States of the Union. Wherever a cause or right of action is entirely of statutory creation, the rights of the plaintiff and the liabilities of the defendant are limited by the scope of the statute. Nothing can be read into it, and it must be strictly construed. Now, an employee is killed by the negligence of his master, a railroad company. An action is brought by the executor of his will or the administrator of his estate. Where there are a widow and children the loss to them resulting from the death of the deceased is assessed in damages. But the question arises, How is it to be administered and how divided by the personal representative? Must the decedent's debts be paid before such distribution? If there is no widow or children, the recovery is for the benefit of "his next of kin dependent upon him." We will assume that this means dependent on him for support. It will be observed that the widow and children may recover for the death loss of the husband and father in any case, whether or not they are dependent on him for support. He is bound to maintain his wife according to his means, and his children until they are old enough to provide for themselves. But they may be inde-

pendently rich; and yet under this provision they are entitled to damages for his death. But the next of kin can not recover, nor can any recovery be had for their benefit, unless they are dependent on the deceased for support. Suppose they are partly dependent on him and partly self-supporting, what, then, are their rights? Can they recover at all unless they are entirely dependent on him, or can a recovery be had for their partial dependence? These questions occur to me and are sure to arise if this bill becomes a law.

Again, according to what rule will the damages be assessed under the terms of this bill? Damages may be recovered under two heads: First, pecuniary damages, or loss in dollars and cents, caused by the death of the deceased; second, loss of society, affliction, and bereavement, caused by the death of the loved one. The pecuniary damage to the next of kin in most cases can be assessed by a jury with some degree of certainty. The age of the husband and father and his health, his devotion to his family, his earning power, and his prospects may be taken into account, and the age of his wife and the number and ages of his children, their social position, and all the circumstances surrounding the member killed and those who remain may be taken into consideration by the jury in the assessment of damage. But if the jury be permitted to assess damages for loss of society, mental suffering, tear and wear on the affections, affliction, and bereavement, there is no check or limitation which can be placed on the extent of the verdict, and the jury can not be prevented from entering the realm of speculation and guessing as to the amount of damage. My notion is that the damages should be limited to the strictly pecuniary loss of those entitled under the statute to recover.

The bill creates a new cause of action where none has heretofore existed under the Federal law. Therefore it should be reasonable, conservative, and especially it should be clear, definite, and certain, so that it may be readily understood and easily applied. Of course if it will die in the Senate, which fate is to be feared, it makes little difference how drastically or conservatively it is drawn. I trust that will not happen, and therefore hope that it may be made as practical and workable as possible.

The last clause in the first section provides that a railroad company shall be liable for an injury to or death of an employee "by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways, or works." That is the common law now, only that the common law is more comprehensive. Generally a statute in derogation of the common law is strictly construed "expressio unius est exclusio alterius." It may be held that since this is in substance a codification of the law, a civil code so far as it goes, a cause of action can not be predicated on any defects or insufficiencies not specifically mentioned in this enumeration. Is a telegraph pole or other obstruction on a railroad, and so close to the track that a brakeman climbing up the side of a car may strike it, a defect or insufficiency? Is a low bridge, which will not clear a brakeman standing on a box car, a defect or insufficiency? Is the absence of proper and necessary rules for the protection of employees a defect or insufficiency on which a cause of action may be predicated under the provisions of this bill?

It may be claimed that the negligence in not preparing and promulgating such rules would be chargeable to the officers or agents of the company, and that a cause of action for such negligence would be included in the first provision of this section. I don't think so. Perhaps the enforcement of rules may be by the corporation committed to agents, and for their carelessness in the discharge of that duty an injured employee may have a good cause of action under the first part of this section. But the establishment of rules, in the first instance, is a duty which the common law imposes on the master, the railroad corporation, and until that is done no employee, high or low in authority, can be guilty of negligence with reference to them. Under this section it looks as if an employee injured because of the absence of such rules will have no redress. Further, suppose a "common carrier by railroad" is a natural person, it is quite clear there can be no recovery by employees for the neglect to establish such rules.

The range of possibility of accidents in the operation of a great railway system is practically unlimited, and there are many dangers to which employees may be subjected which are not specifically mentioned in this list of defects or insufficiencies. This attempted codification will work an injury rather than a benefit to the employees. In this particular respect it will probably prove to be a gold brick.

What is the meaning of this last clause in the first section on the question of assumed risk? It lays down a rule as to what negligence will make out an affirmative or prima facie cause

of action against the defendant railroad company. Can the defense of assumed risk be pleaded and established under it? The cars, engines, or appliances may be defective and dangerous, but if the employee prior to the accident knew of such dangerous and defective condition and remained in the service, under the common-law rule he is held to have assumed the risk and can not recover. The defense of assumed risk may be meritorious under some conditions and on some facts and should be allowed, and in other cases it is harsh, and even cruel, and should not, on the substantial merits, be permitted to defeat an otherwise good case. If an ordinary tool or simple piece of machinery be defective and dangerous and the operator has learned that fact and continues to use it, even without complaint, there is no good reason why the master should be liable to him in case of an accident. His opportunity of knowing of the danger to which he is being exposed is better than that of the company, and he should notify the proper authority and have the defect repaired or quit the service.

Take another case. A bridge over a track is so low that it will not clear a man of ordinary stature standing on top of a box car. The brakeman is aware of the fact; so is the company. Complaint will not avail, because it is a structural defect and can not well be remedied. Under the common law the employee must take his chances or leave the service. He is a poor man, with a family dependent on him for support. He must work, and continues in the service. By and by, during a dark, stormy night, the whistle sounds for brakes. He rushes on deck in great excitement to stop the train and avoid a wreck. He can not determine his exact location or proximity to the bridge. But it happens that he reaches the deck just as the train is passing under it. He is struck and injured or killed. It can not be said that he is guilty of contributory negligence under those circumstances; yet, under the common law, no recovery can be had, for he is held to have assumed the risk. This is a very unreasonable and hard rule. If it be the intention of the gentleman who reported this bill to eliminate the common-law doctrine of assumed risk, that should be stated. If it is their intention that it should continue in force and applicable to the construction of this statute, that should be stated. And if it be their intention to modify it in any measure or in any degree, that also should be stated.

The amendment which I have proposed clearly states for whose benefit an action may be brought in case of a death, and it permits the husband to recover for the loss of his wife. It allows damages to the father and mother and next of kin, according to their dependence on the deceased for support. If an aged and destitute couple have two sons who maintain them in comfort, and one is killed through the negligence of a railroad company, this amendment permits them to recover although not wholly dependent on that son for support; and permits sisters or brothers to recover, according to the degree of dependence for support on the decedent.

This amendment fixes a rule of damages in case of death, and confines it to the pecuniary injuries resulting from the decedent's death to the person or persons for whose benefit the action is brought. It also provides for the distribution of the damages recovered in cases of death loss. This is in substance an enabling act for the relief of those dependent or partially dependent on the deceased for support. The power which creates the cause of action has the right to say how the proceeds shall be disposed of. They should not be subject to decedent's debts, but should go to the husband, wife, children, parents, brothers, sisters, and other next of kin, according to the pecuniary damage resulting to them from his death. It also eliminates from this bill the enumeration of defects and insufficiencies in cars, locomotives, appliances, etc., on which actions of negligence may be predicated. All these defects and insufficiencies have been made the bases of recovery by numberless decisions in common law; and there are, in my judgment, many acts of negligence of which railroad companies may be guilty, not mentioned there, and others may arise and occur in the future development and complicated conditions of great railway systems. It is better and safer to make no attempt at codification of all possible acts of negligence.

I will vote for this bill in the hope that its imperfections may be corrected, and that it may be "whipped into shape" by the Senate, because it embodies at least one excellent provision. It abolishes the ordinary common-law defense of fellow-servant, and permits one employee to recover for an injury caused by the negligence of a coemployee. There may be instances where this departure from the common-law doctrine will result in hardship to the railroad companies, but in the great majority of cases, as applied to modern railroading, it is just and fair and should be recognized as a correct rule of law.

Two men are at work in a ditch, and one strikes the other

with his pick or shovel. Two men are pounding at an anvil, and one delivers a careless blow, injuring the other. Two men are lifting a piece of timber and one negligently lets his end fall, injuring the other. There is no good reason why the common master should be liable in any of these cases; because when two men are engaged in such employment, where they can observe each other daily, each may have a better opportunity than the master of learning the habits and character of the other. The rule which is sought to be abolished in this bill arose and became a part of the common law before the high development of our industrial conditions, when only a few men worked together side by side on the farm or in the small shop, and there was comparatively little danger of accident, and each had a fair chance of protecting himself against the negligence of his coworkers.

In modern railroading these conditions are entirely changed. And yet the common-law rule which originated under entirely different circumstances is continued in force in many of the States and applied by the courts with unrelenting severity. Under it the master is not liable to one servant for injuries caused by the negligence, carelessness, or misconduct of a fellow-servant engaged in the same general business. This is true, although the grade of the employment is different and the one injured is subject to the orders and control of the one by whose negligence the injury is caused, the test generally being whether they are under the same general control and management. It is true that the master is bound to exercise reasonable care in the employment of reasonably competent coservants; but having discharged that duty he is not responsible to one servant for any degree of carelessness on the part of another. He is liable to his servants for the negligence of any employee, from superintendent down, in the discharge of those particular duties which pertain to the master. That, however, affords but very little relief in actual practice, for the reason that a very large proportion of accidents in railroading are caused by the negligence of some of his employees who are not at the time discharging the duty of the master. Practically all of the employees of great railroad corporations are held to be coservants; and accidents are constantly occurring, resulting in bodily injuries and death, for which no recoveries can be had by the application of this rule.

For instance, an engineer on the New York Central system runs the Empire State Express from New York to Albany, where a drunken switchman is asleep at his post, and runs him into eternity. A train is stopped out in the country, and a stupid or tired brakeman neglects to hasten back and signal a following train, and a wreck occurs. A careless engineer misreads an order, and instead of taking a side track continues on a main line until he is stopped by a head-on collision. A love-sick messenger is guilty of an error in receiving and transmitting an order, and several lives are lost. A shiftless workman leaves an obstruction on a track, and a train is derailed at full speed. In all these cases and in others beyond the possibility of enumeration or description, faithful, capable, and careful men are injured and killed; and there is no redress for the reason that the accidents are caused by the careless acts of others, and those others are held by the courts to be co-employees. The locomotive engineer may be an absolute stranger to the switchmen, signalmen, messengers, operators, section bosses, trackmen, bridge tenders, and other employees along the line. He may have had no opportunity whatever of knowing them or anything about them, their habits, character, or experience. Yet he is obliged by law to assume all the risks and dangers of their carelessness; and if he is injured through the negligence of any one of them he has no redress. He has no opportunity of learning as to their fitness. He has no power to hire or discharge. He has no control or authority over them. He is expected to do his part of the work, and they theirs. Yet each is required to assume the risk caused by the carelessness of the others. This hard-and-fast rule has been abolished or modified in many European countries and in several of our States. In Illinois and some other States where it is not discontinued by statute, it is very much relaxed in its application by the courts, while in New York and some other States, it is retained and applied in all its rigor. We complain not of the judges, whose duty it is to interpret and apply the law as they find it. This they do ably and conscientiously. Our contention is that this rule of common law should be modified by statute. As applied to railroading, and especially the transportation or running department in which most of the accidents occur, this rule is bad in principle and worse in practice. The railroads of our country are being united into a few great systems, and if this combination and concentration continue all may be put under one head or management. Now, if an engineer or trainman leaves one company he may not readily secure employment in another without a

certificate of character from his last employer. He must work to earn his daily bread, and it is not fair to compel him to assume the risk of accidents caused by other employees in a very large, complicated, and dangerous service.

But it may be said that each employee has a cause of action against any other through whose negligence he has suffered injury. That is true in theory, but practically it is no protection, because the coemployee in almost all cases is financially irresponsible.

Common carriers by railroads take special pains for the care and safety of their passengers. Why? Because they must respond in damages to them for the carelessness of their employees. Were they held liable to one servant for the injuries suffered through the negligence of another in the running service they would exercise greater care. They would be more particular in the employment and distribution of their men, more vigilant in watching them, and more careful about their habits and character, and they would look to it that those men were not overworked in the freight service and rendered unfit to discharge the responsible duties imposed on them. Fewer accidents would occur and fewer limbs and lives would be lost.

Railroads should not be the objects of hostile legislation. They have been wonderful instrumentalities in subduing and developing our land and in building up our industries, and they should not be crippled or their usefulness impaired. Their managers are men of remarkable ability and enterprise, else they would not be there. As individuals they may be gentlemen of large hearts and broad sympathies. But they are bent on extending their lines, making money, and paying dividends. The companies have no hearts, and no sensations except through their financial nerves. The only manner in which they can be persuaded to take reasonable care of their employees is by holding them responsible in damages for the absence of such care. This is not unjust to the companies. Under this bill they are all treated alike. If they must raise passenger and freight rates to meet the demand of extra protection and expense under the operation of this law, let it be done. But let the employees be protected as far as may be, and if killed in the service through no fault on their part let their families have some adequate redress.

Again, railroad companies are quasi public servants. They receive from the State charters and franchises with large powers and privileges, and in return for those they are under some obligations. Those companies and their employees are not the only ones interested in their relations of master and servant and not the only ones concerned in the protection of the health and lives of the employees. There is a third party, the public—society. If the breadwinner of a family is killed, his wife and children are thrown on the city or town for support. If he is crippled for life, he and his family become burdens on society. Every able-bodied man who is impaired in usefulness or killed is a loss, and no matter how broadly that loss may be distributed it becomes a burden on society. It is the right and duty of society to protect itself in this regard, and in that protection it is justified in requiring railroad companies, under reasonable laws and regulations, to assume the burdens created by them and provide for the support of those they have crippled and for the families of those they have left destitute.

The SPEAKER. The gentleman yields the remainder of his time to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, in view of the importance of this measure, I ask unanimous consent that the time for debate be extended one hour, thirty minutes on a side.

The SPEAKER. The gentleman from Indiana asks unanimous consent that time for debate be extended one hour, making thirty minutes additional time upon each side. Is there objection?

Mr. STERLING. I object, Mr. Speaker. Well, I withdraw the objection.

The SPEAKER. Is there objection?

Mr. JAMES. I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. CRUMPACKER. Mr. Speaker, I am in favor of a proper law imposing upon common carriers responsibility for injuries to their employees that are the result of the carelessness of coemployees. I believe now, and always have believed, that that responsibility ought in justice and equity to be carried by the employer rather than by the employees who have no authority over their fellow-servants. The employer who selects and controls his servants should be responsible to all for the result of their carelessness. But section 2 of the pending bill, in my opinion, is not only unwise, but will result in the ultimate defeat of the measure. That section revolutionizes the generally accepted doctrine of contributory negligence, and provides the illogical and impracticable principle of comparative negligence

in its stead. The principle of comparative negligence has been repudiated by nearly every State in the Union. It introduces into every personal-injury case a metaphysical element that it is impossible to administer with any degree of justice or certainty. It is speculative and unscientific and is a dangerous principle to embody in any kind of legislation. The first section of the bill is a radical departure from principles of the common law that have been recognized all over this country, but the principle of holding the employer liable for injuries to one employee resulting from the negligence or inefficiency of a coemployee is just and humane and I am in favor of it, but I am not in favor of a law that allows one who is injured through his own negligence to recover damages from anyone else for that injury.

Most of the States in the Union have statutes making railroad companies responsible to employees for injuries that are inflicted upon them by the carelessness and negligence of coemployees. As I said a moment ago, I believe in those laws and will be glad to support any bill embodying that idea. My only objection to this bill is to the provisions contained in section 2 relating to the question of comparative negligence. I oppose that provision on the ground that it is impracticable and dangerous.

Mr. COOPER of Wisconsin. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. CRUMPACKER. I yield for a question.

Mr. COOPER of Wisconsin. I interrupt here because I heard the gentleman from Indiana say that he had no objection especially except to section 2. In this connection I would like to ask the gentleman a question. What effect, if any, in his opinion, would the enactment of this bill into law have toward ousting State courts of jurisdiction in suits of this kind, Congress being supreme in all matters of interstate-commerce regulation?

Mr. CRUMPACKER. That is a matter to which I have given but little thought.

Mr. COOPER of Wisconsin. It is a very important one.

Mr. CRUMPACKER. My offhand impression is that it would not transfer jurisdiction of this class of cases from the State courts to the Federal courts, because it is only an incident of interstate commerce. But suits under this bill, if it should become a law, would be transferable to the Federal courts, because they would necessarily involve Federal questions. What I mean is that this bill would not abrogate State laws on the same subject, and suits under State laws would not be transferable to the Federal courts. Regulation of employees in their relations to the employer in interstate transportation is only an incident of commerce and is under the police control of the States. It is doubtful in my mind if this bill would be held to operate at all outside of the Territories and the District of Columbia. Personal-injury cases, even against interstate-transportation companies, have always been regarded as local and subject only to State laws, and when they are removed to the Federal courts under the rule of diverse citizenship the rights and liabilities of the parties are always determined by the laws of the State where the injury occurred. Of course, this doctrine does not apply in the Territories and the District of Columbia.

This bill ought to be discussed more thoroughly and exhaustively than it can be on a motion to suspend the rules, when the time for debate is limited to twenty minutes on a side and no amendments can be offered. When I came into the Hall this morning I had no thought that the bill would come up in this manner, and I have had no time to give any considerable attention to its provisions. I want to assist in the enactment of a law containing the coemployee liability feature, but I confess I have little respect for the doctrine of comparative negligence. I know something of its operation in the State of Illinois, where it has been practically abandoned in recent years. It abolishes the principle of contributory negligence. Section 2 provides that the fact that an injured employee may have been guilty of contributory negligence shall not be a bar to recovery where his negligence was slight. By what standard can it be determined whether negligence is slight, ordinary, or gross? It is a pure matter of speculation. It has been asserted that under the common-law doctrine of contributory negligence an employee can not recover for an injury if his negligence, however slight, contributed to bring it about. Contributory negligence, to defeat a recovery, must be a substantial departure from that degree of care that a man of ordinary prudence would exercise under similar circumstances.

By increasing the responsibility of railroad companies we make them more vigilant in employing capable and trustworthy men and in maintaining the best possible equipment. They will be prompted to adopt every safeguard to promote safety of transportation and to protect the traveling public and their own

employees. On the other hand, trainmen should feel some responsibilities. The men who run railroad trains and have in charge the safety of the traveling public are the most intelligent and trustworthy class of men in the country. They are prompted to adopt every safeguard for the protection of life and limb not only by a high sense of duty, but by considerations of personal safety as well. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has one minute.

Mr. CRUMPACKER. I yield that minute to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I shall ask unanimous consent that the views which I have printed as minority views may be taken as a part of my remarks.

They are as follows:

The questions as to how far employers should be liable to their employees for the acts of fellow-servants, the degree of contributory negligence on the part of the person injured that should bar a recovery, and the extent to which the contract of employment should govern are of the utmost importance, and the considerations in favor of a relaxation of the strict rules of the common law have caused the passage and amendment of numerous State statutes, under which experience is teaching how the good of the community may be best obtained.

But these questions should be governed by the law of the State having jurisdiction of the employment, and the jurisdiction of the contract of service should not be made national because the employer is engaged in interstate commerce. The attempt to pass such a law will cause inextricable confusion as to where the State and national law should govern, especially in the case of local employees. It will abolish the advantage of practical experience, testing the value of the various State provisions, and the plaintiff will be sent to the distant, crowded, and expensive forum of United States courts, and the cause of the employee is more likely to be hurt thereby than aided by anything contained in this bill.

I sympathize with proper expansion of the right of an employee to recover for accidents in a dangerous occupation, employing hosts of men whose negligence may cause irreparable personal injury to each other; but I think this modification of the common law should and will be provided by the various States and that this bill will be an injury to those that it attempts to benefit. It is a question whether we can legislate as to all employees, as for example, if a couple of men are shoveling dirt into a railroad car and one happens to hit the other with a shovel. But even in the most pitiful cases of injury it will not help the parties that the railroad should have the right to remove the suit to a United States court, and thereby to take that suit to a distant court with a crowded calendar which may not be called for years. Pass this bill and it would add 20,000 cases in the United States courts and subject plaintiffs to appeals to the United States courts of appeal which, if these cases be added, might take ten years. I think my minute is about up. I do not believe in that legislation which will cause this result, and I doubt also whether it be constitutional to take all questions between employer and employee away from the State.

Mr. STERLING. I yield two minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The Chair was in error. The gentleman from Indiana has seven minutes still remaining.

Mr. CRUMPACKER. I yield two minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, there is no contract, except perhaps that of marriage, which goes deeper into those personal rights of man and man which are reserved to the States than the contract of employment and the rights as between employer and employee, as well as the right of suit for personal injury caused by the negligence of another. I can not believe that it is for the benefit of the people of the United States that the jurisdiction of the States over these matters should be infringed. I doubt whether the power to regulate interstate commerce carries with it the power to change this relation between employer and employee. If it be so, and if this were the best bill in the world, the confusion that would take place on a railroad which does some of its business outside of a State and some of its business inside of a State would be inextricable. It would lead to various decisions, varying judgments, and to difficulties which would not tend to the benefit of those whom this legislation attempts to benefit. I therefore am opposed to this legislation, believing that all these questions are better worked out in the various States by various statutes; that the best statute will prove its right to remain, and that the worst will be amended so as to be like the best.

Mr. CRUMPACKER. Mr. Speaker, I now yield four minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I am very sorry that the gentleman moved to suspend the rules and to pass this bill under such circumstances that we can not have ample opportunity to discuss it. I think the bill with ample discussion would be better understood, and perhaps we would feel a little freer

about what we should do in the matter of voting for it. I shall be compelled to vote against it, as at present advised, because I do not believe it is constitutional. I do not believe that under that provision of the Constitution of the United States such a law is constitutional because it is regarded as regulating interstate commerce. I read from the third clause of section 8 of Article I of the Constitution, in which it gives power to Congress "to regulate commerce with foreign nations and among the several States and with the Indian tribes."

Now, it is said we have the power to regulate commerce and provide rules that are to be applied in court in determining the measure of damages between litigants. Does that regulate commerce? Is there a decision of any court in the United States that recognizes that principle? If it is not constitutional in that respect, it is wholly unconstitutional.

Besides, I am satisfied that the first section lays down an illiberal rule, in some respects, for employees in bringing suit against the railroad company where the coemployee has been guilty of some negligence. In my own State, and other States, I know we have rules that are properly applicable in cases of that kind. The second section, as the distinguished gentleman from Indiana has said, undertakes to lay down a rule that requires the court to submit the whole question of contributory negligence to a jury, they to determine what is slight and what is gross negligence, and to apportion it. The rule of slight negligence is one well understood, and I am sorry we have not time to consider it here. Many persons have recovered, under the rules of the Supreme Court of the United States and of the States, who have been guilty of some slight negligence that did not directly contribute to the injury—that is, to the proximate cause of the injury complained of. A person may recover in these damage suits, although he has been guilty of some form of negligence. A woman in this city a few years ago passed safely over a railroad line and was frightened at a car coming, jumped off, and was injured after she got off. It was contended that it was her own negligence in jumping off the car that caused the injury. The Supreme Court of the United States unanimously said that she acted according to the surroundings and environment, and while it was a very negligent act in jumping off the car, that it was not the proximate cause of the injury, and she recovered. Mr. Speaker, there are other objections and I feel that the bill ought not to pass. It is not regulation of interstate commerce to provide that contracts between railroad companies as to insurance shall be void. So as to fixing a rule of recovery by an employee against a railroad company. It is not good policy to put it in the power of a railroad to take all damage cases into the United States courts.

Mr. CRUMPACKER. Mr. Speaker, the motion before the House is to suspend the rules and pass the bill. The bill is not subject to amendment under this motion. It requires a vote of two-thirds to suspend the rules and pass it. If the motion is voted down the bill will not be defeated, but will remain on the Calendar to be called up for consideration in the regular way. Therefore a vote against the motion to suspend the rules is not a vote against the bill; it is a vote to consider it regularly, when there may be more time to devote to it and when it may be open to amendment.

Mr. STERLING. I now yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this bill is to make a law which is to be known as the "employers' liability act," similar to laws which have been adopted by almost every civilized nation using the common law in the world, and by many of the States in this Union. Under the common law where an injury to one of the employees occurs by reason of the negligence of a coemployee the employer is not liable. Such a law was well applicable where a man had only two or three servants employed under him, but it has no application in justice or fairness to the great corporations of our country, such as the railroad corporation. In three months of last year there were 931 railroad employees killed at their posts of duty. In three months of last year there were 13,217 railway employees injured at their posts of duty, not mentioning those who met such slight injuries as only required a lay off of two or three days. These injuries largely occurred through the negligence of fellow-employees. They resulted not only in the injury to the railroad employees themselves, but often they killed passengers who rode upon the railroad. The best inducement that can be offered to the railroads to look after their employees and see that they have careful men employed, sober men employed, men employed not more than ten hours and at least not twenty hours at a time without sleep—the best way to enforce this is by requiring them to pay damages when an engineer on duty for twenty hours falls asleep and a collision occurs and injures his fellow-servants.

It may be true that this bill is not perfect in form. I have

tried for years in my mind to draft a bill which I thought would be constitutional and would cover the case. It may be true that this bill is not perfect in form, but it meets the wishes of the men who are most interested. It has been prepared by and with the consent of the railway employees, who will benefit by its provisions. The gentlemen who now urge little questions against it as to its technical form may be right; I do not know. They may be opposed to the principle of the bill; I do not know. But I am willing to vote for a bill of this kind which meets justice and which meets the approval of the men who are most interested. It is time that the United States of America, the most civilized of nations, compelled its railway companies to provide every possible means of saving and conserving the lives both of the employees and of the passengers. A bill like this is a long step in the right direction. [Applause.]

Mr. STERLING. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, in the short time allotted me I wish to say this bill comes from the Committee on the Judiciary with a practically unanimous vote. The first section of it abolishes the doctrine of fellow-servants, as the laws of many States in the Union have already done. The second section does not abolish the doctrine of contributory negligence, as some gentlemen seem to think, but it only modifies and mitigates it, and institutes the humane doctrine of comparative negligence where the negligence of the employee has been slight and that of the carrier has been gross and criminal. The third section of this bill has the effect of limiting the binding force of the contracts that are entered into by many railway employees when they enter the service of the railroads. All of these sections are good and humane principles of law. The Committee on the Judiciary has thoroughly considered these propositions from every standpoint. The labor men in the country have come before that committee, and have had all the time they wished, and those representing the carriers and the corporations have presented their side of the proposition. The Committee on the Judiciary has deliberately come to the conclusion that these doctrines as embodied in this bill should be enacted into law. Every one of them is founded on the sound principle of logic, justice, and humanity. I trust that all Members in this House will see proper to support the bill. I do not believe that one fraught with more importance and good to that great class of people interested has ever come before the House of Representatives during my incumbency. It has received my most careful consideration and shall cordially receive my vote, and I call upon all gentlemen, not only on this side of the House of Representatives, but on the other side, to give their support to this measure which is so manifestly just to more than 2,000,000 people engaged in the hazardous occupations and employments of life. [Applause.] Mr. Speaker, I now yield one minute to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I have read this bill very carefully and the very able favorable report recommending its enactment into law. Of course I have not time in one minute to give "the reasons for the faith that is in me." I want merely to say that in my opinion it is needed and wise legislation. I might as well stop with that because I see that the minute is out. [Applause.]

Mr. STERLING. Mr. Speaker, I yield to the gentleman from Georgia [Mr. BARTLETT] half a minute.

Mr. BARTLETT. Mr. Speaker, I merely wish to say this in the short time allotted me, that I am in thorough accord with any bill that properly seeks to give in the trial of these cases in the United States courts the same rights in principle and theory that my native State gives in the trial of such cases in the State courts, and that is that the fact that a railroad employee was injured by the negligence of a coemployee shall not bar his right to recovery when he has been injured. I deem that the principle, the main theory in the bill, is to repeal the old harsh common-law rule in the case of suit by a servant of the interstate railways who has been injured by the negligence of their fellow-servants and permit him to recover for the injury caused by the negligence of a fellow-servant. For this reason I cordially support the bill and hope that it will pass. I think that it could be improved by some amendment I could suggest; but as that can not be done now, rather than endanger its passage, I am satisfied to vote for it as it has been reported.

Mr. HENRY of Texas. Mr. Speaker, I desire to yield one minute of my time to the gentleman from Texas [Mr. BEALL].

The SPEAKER. The gentleman has no time remaining.

Mr. HENRY of Texas. Then, Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. BEALL] be allowed to proceed for one minute in support of this bill.

The SPEAKER. The gentleman from Texas asks unanimous

consent that his colleague may be allowed to proceed for one minute. Is there objection?

Mr. GILLETTE of Massachusetts. Mr. Speaker, I object.

Mr. STERLING. Mr. Speaker, I yield half a minute to the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, I will devote the short time given me to a discussion of the first two sections of the pending bill. They are of great importance to the railroad employees of the country. I have not the time for a discussion of the third section.

The purpose of the first section is to change the common-law liability of railroad companies to their employees when it is engaged in interstate commerce or is operating in the District of Columbia or one of the Territories.

It relaxes the strict common-law rule of liability which bars a recovery for damages for personal injury or death of the employee occasioned by the negligence of a coemployee and permits a recovery in such cases.

The fellow-servant doctrine was first enunciated in England in 1837 in the case of *Priestley v. Fowler*, and since that time has been followed in that country and this, except where abrogated or modified by statute.

So long as the industries of the country were conducted by private persons under their own supervision, the liability of the employer to his employee for injury by the acts of himself or his coemployee was easy of solution, and no statutory enactment was necessary.

These conditions, however, have changed, and the reasons which existed for this doctrine when it was first enunciated no longer exist and it should be changed.

In 1888 England passed an act abolishing the fellow-servant doctrine with reference to the operating of railroad trains, and in 1897 extended the provisions of this law to other hazardous employments.

A great number of the States of the Union have passed laws modifying or abolishing this doctrine. In Iowa this was done as early as 1862, and in the State which I have the honor in part to represent upon this floor such a law has not only been placed upon the statute books, but has been incorporated in the fundamental law of the Commonwealth.

The time has certainly arrived when the National Government should follow the lead of those enlightened and progressive States and do what it can to make this doctrine uniform.

There can be no doubt that the enactment of these laws was wise and has been conducive to greater care on the part of the railroads, and has not only saved the lives and limbs of worthy and deserving employees, but of passengers as well. There can be no doubt that their enactment was just. Under the old fellow-servant doctrine practically no one was responsible for the death of an employee. The co-servant might be held liable, but, as a rule, nothing could be made by suing him, and the employer was exempt from liability. This was a harsh rule to apply to the brave men who are employed to operate the railroads of the country. The rule was not only harsh, but was wrong. The responsibility should be carried by the employers rather than the employees, who have no voice in the selection of or any authority over their fellow-servants, and oftentimes no acquaintance with them or knowledge of their characteristics or habits.

As a member of the Virginia legislature and as a member of the constitutional convention of that State of 1901-2, I had the pleasure to vote for measures abolishing this old and obsolete doctrine, and I am glad to have the opportunity to vote to place upon the national statute books a law abrogating it.

The second section of this bill modifies the common-law rule of contributory negligence. This has my hearty support, though that section is not as strong as I would make it. There are some provisions of the bill I would like to strengthen, but under the rules which now apply no amendment can be considered, and therefore I give the bill in its present form my cordial support.

Let us hope, Mr. Speaker, that it will do something toward stopping the fearful slaughter of human life and destruction of human limbs by our railroads. In three months of 1905, 931 railroad employees were killed and 13,217 were injured. If this is a fair average, and I suppose it is, it means that 3,724 human lives are taken and 52,808 human beings were maimed by the railroads of this country each year. Most of the men injured were engaged in the operating departments of the railroads. They are brave and faithful, and are splendid citizens. Their worth is not fully understood nor appreciated by the general public. Sober, silent, and alert, they discharge their dangerous

duties with the one desire to serve their company and the public in the best possible manner.

If all the dangers of the rail were as patent to the public as to these men, there would be very little traveling for pleasure. The public hears only of the accidents that occur, and not the thousands that are averted by the cool judgment and lionine courage of the train men. If an accident happens, those in the coaches must be saved, if possible, regardless of the train men. They must stand at their posts, like the Roman sentinels, "though the heavens rain fire."

The purpose of this bill is to give relief against the rigors of the common law to these men and others engaged in this important, extensive, and hazardous industry. It should become a law, and I hope it will. [Loud applause.]

Mr. STERLING. Mr. Speaker, I desire to say in reply to the gentleman from Indiana [Mr. CRUMPACKER] that this bill does not establish the doctrine of comparative negligence in its original form. It modifies that doctrine. Under the doctrine of comparative negligence the injured man, or his representative in case of death, is entitled to recover full damages even though he was guilty of slight negligence, if that of his employer was gross in comparison, but this bill requires the court or the jury to distribute the burden of the injury to those who are responsible for it. It does not bar the right of the injured to recover if he is guilty only of slight negligence, if the negligence of the employer is gross in comparison. In such a case, however, he can not recover full damage for the injury suffered. The amount that he might recover under the old doctrine must be diminished in proportion to the negligence attributable to him. He must pay the penalty of his own negligence; the employer pays the penalty of his. I submit no proposition could be more fair. No other proposition is fair. I desire to quote on this question one of the leading law writers. Beach, in his work on Contributory Negligence, page 136, comments on the law as provided in this section as follows:

Much may be said in favor of the rule which counts the plaintiff's negligence in mitigation of the damages in those cases which frequently arise, wherein, on one hand, a real injury has been suffered by the plaintiff, by reason of the culpable negligence of the defendant, and yet, where, on the other hand, the plaintiff's conduct was such as to some extent contribute to the injury, but in so small a degree that to impose upon him the entire loss seems not to take a just account of the defendant's negligence. In those cases, which may be denominated "hard cases," the Georgia and Tennessee rule in mitigation of damages without necessarily sacrificing the principle upon which the law as to contributory negligence rests is a rule against which, in respect of justice and humanity, nothing can be said. Where the severity of the general rule might refuse the plaintiff any remedy whatever, as the sheer injustice of the rule, as laid down in *Davis v. Mann*, would impose the whole liability upon the defendant, it is quite possible to conceive a case where the application of the rule which mitigates the damages in proportion to the plaintiff's misconduct, but does not decline to impose them at all, would work substantial justice between the parties.

Shearman and Redfield on the Law of Negligence, fifth edition, page 158, in speaking of this rule, say:

This is substantially an adoption of the admiralty rule, which is certainly nearer ideal justice, if juries could be trusted to act upon it.

Many of the States have passed statutes abolishing the doctrine of fellow-servant in the operation of railroads. Some have abolished it as to all hazardous occupation, and a few have eliminated it altogether. The State legislatures of some of the States have greatly qualified the rule of contributory negligence. The courts of the different States have construed the rule differently. Some of the States have declared the contracts referred to in section 3 void as against public policy; some have not. The result of all this is that there is a great diversity of law throughout the country on these questions. This bill will create a uniform rule everywhere, which is greatly to be desired.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. STERLING. If it is brief I will. I just have one minute.

Mr. PADGETT. I notice the language in section 2 says that where the negligence of the plaintiff was slight and that of the employer was gross in comparison. Suppose they are nearly equally balanced, what would be the right to recover?

Mr. STERLING. If the negligence of the plaintiff is more than slight he can not recover at all; if the negligence of the defendant is less than gross, then the plaintiff can not recover at all. Now, Mr. Speaker, the purpose of this bill is to give relief against the rigors of the common law to a class of employees engaged in the most important, the most extensive, and the most hazardous industry and occupation in the country, and it is a just and a righteous proposition and ought to become the law of the land. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on suspending the rules, agreeing to the amendments, and passing the bill as amended.

The question was taken; and in the opinion of the Chair, two-

thirds having voted in favor thereof, the rules were suspended and the bill was passed. [Applause.]

FORTIFICATION OF PURE SWEET WINES.

Mr. NEEDHAM. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15266, with committee amendment.

The SPEAKER. The gentleman from California moves to suspend the rules, agree to the amendment, and pass the bill, which the Clerk will report.

Mr. CLARK of Missouri. Mr. Speaker, is this the proper place to demand a second?

The SPEAKER. No; the bill will be reported first. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15266) to amend existing laws relating to the fortification of pure sweet wines.

Be it enacted, etc., That section 43 of the act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, as amended by section 68 of the act of August 27, 1894, be further amended, so as to read as follows:

"Sec. 43. That the wine spirits mentioned in section 42 of this act is the product resulting from the distillation of fermented grape juice, to which water may have been added prior to, during, or after fermentation, for the sole purpose of facilitating the fermentation and economical distillation thereof, and shall be held to include the product from grapes or their residues, commonly known as grape brandy; and the pure sweet wine, which may be fortified free of tax, as provided in said section, is fermented grape juice only, and shall contain no other substance whatever introduced before, at the time of, or after fermentation, except as herein expressly provided; and such sweet wine shall contain not less than 4 per cent of saccharine matter, which saccharine strength may be determined by testing with Balling's saccharometer or must scale, such sweet wine, after the evaporation of the spirits contained therein, and restoring the sample tested to original volume by addition of water: *Provided*, That the addition of pure boiled or condensed grape must or pure crystallized cane or beet sugar to the pure grape juice aforesaid, or the fermented product of such grape juice prior to the fortification provided by this act for the sole purpose of perfecting sweet wines according to commercial standard, or the addition of water in such quantities only as may be necessary in the mechanical operation of grape conveyors, crushers, and pipes leading to fermenting tanks, shall not be excluded by the definition of pure sweet wine aforesaid: *Provided, however*, That the cane or beet sugar, or water, so used shall not in either case be in excess of 10 per cent of the weight of the wine to be fortified under this act: *And provided further*, That the addition of water herein authorized shall be under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe; but in no case shall such wines to which water has been added be eligible for fortification under the provisions of this act where the same, after fermentation and before fortification, have an alcoholic strength of less than 5 per cent of their volume."

Sec. 2. That section 49 of the said act, approved October 1, 1890, be amended so as to read as follows:

"Sec. 49. That wine spirits used in fortifying wines may be recovered from such wine only on the premises of a duly authorized grape-brandy distiller; and for the purpose of such recovery wine so fortified may be received as material on the premises of such a distiller, on a special permit of the collector of internal revenue in whose district the distillery is located; and the distiller will be held to pay the tax on a product from such wines as will include both the alcoholic strength therein produced by the fermentation of the grape juice and that obtained from the added distilled spirits, subject, however, to the provisions of section 3309 of the Revised Statutes of the United States, as amended by section 6 of the act entitled 'An act to amend the laws relating to internal revenue,' approved March 1, 1879; and such spirits so recovered may be used by such distiller to fortify wines as authorized by section 42 of the aforesaid act, approved October 1, 1890."

Sec. 3. That the Commissioner of Internal Revenue is hereby authorized to assign at each winery where wines are to be fortified such number of gaugers or storekeeper-gaugers, in the capacity of gaugers, for special duties as may be necessary for the proper supervision of the making and fortifying of such wines, and the compensation of such officers shall not exceed \$5 per diem while so assigned, together with their actual and necessary traveling expenses, and also a reasonable allowance for their board bills, to be fixed by the Commissioner of Internal Revenue, but not to exceed \$2 per day for said board bills; and to cover the expenses to the Government attending the making and fortification of such sweet wines there shall be levied and assessed against each maker of such wines, and collected monthly, a charge of 3 cents on each taxable gallon of brandy used by him in the fortification of such wines during the preceding month. That bonds hereafter given under the provisions of the aforesaid act of October 1, 1890, as amended, shall be conditioned for the payment of the tax on all brandy removed thereunder and not used and accounted for within the time and in the manner required by law and regulations, and for the payment of all charges herein imposed on the brandy so withdrawn and used; and the said bonds shall contain such other conditions as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.

Sec. 4. That where brandy to be used in the fortification of wine is distilled on premises adjacent to the winery premises the Commissioner of Internal Revenue may, in his discretion, authorize the erection on either of said premises of fermenting vats for material to be used either in the manufacture of such wines or the brandy to be used in the fortification thereof; and all such materials used or received on either of said premises shall be under the supervision of the officer assigned to such winery, and shall be accounted for at such times and in such manner as the Commissioner may direct.

Sec. 5. That the provisions of sections 3221 and 3223 of the Revised Statutes of the United States, as amended by an act approved March 1, 1879, are hereby extended to grape brandy withdrawn for use in the fortification of sweet wines, and which, prior to such use, is accidentally destroyed by fire or other casualty while stored in the fortifying room on the winery premises.

Sec. 6. That any person who by any process recovers from wines fortified under the provisions of the aforesaid act approved October 1, 1890, or amendments thereto, any brandy or wine spirits used in the manufacture or fortification of said wine, otherwise than is provided

for in said act and its amendments, or who shall rectify, mix, or compound with other distilled spirits such fortified wines or grape brandy or wine spirits unlawfully recovered therefrom, shall, on conviction, be punished for each such offense by a fine of not less than \$200 nor more than \$1,000. But the provisions of this section, and the provisions of section 3244 of the Revised Statutes of the United States, as amended, relating to rectification, shall not be held to apply to the blending of pure sweet wines fortified under the provisions of the said act of October 1, 1890, or amendments thereto, where such wines are blended for the sole purpose of perfecting the same according to commercial standard.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

The SPEAKER. The gentleman from Missouri demands a second.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from California asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. CLARK of Missouri. I object to that.

Mr. DALZELL. Is the gentleman opposed to the bill?

Mr. CLARK of Missouri. Yes; I am opposed to the bill.

The SPEAKER. The gentleman from California, Mr. NEEDHAM, and the gentleman from Missouri, Mr. CLARK, will take their places as tellers.

The House divided; and the tellers reported—ayes 83, noes 20.

Mr. CLARK of Missouri. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-nine gentlemen are present, not a quorum. The doors will be closed and the Clerk will call the roll. Those in favor of ordering a second will, as their names are called, answer "aye," those opposed will answer "no," and those not voting will answer "present," and the Sergeant-at-Arms will bring in the absentees.

The question was taken; and there were—yeas 159, nays 46, answered "present" 19, not voting 158, as follows:

YEAS—159.

Alexander	Draper	Kennedy, Ohio	Ryan
Allen, Me.	Driscoll	Kinkaid	Samuel
Ames	Dunwell	Kitchin, Claude	Scott
Andrus	Dwight	Knopf	Scroggy
Bannon	Edwards	Knowland	Shartel
Barchfeld	Finley	Lacey	Sheppard
Bates	Flack	Landis, Chas. B.	Sibley
Beidler	Fletcher	Le Fevre	Slayden
Bennet, N. Y.	Floyd	Longworth	Smith, Cal.
Birdsall	Foster, Vt.	Loud	Smith, Samuel W.
Bishop	Gaines, Tenn.	Loudenslager	Smith, Wm. Alden
Bonyne	Gaines, W. Va.	Lovering	Smith, Pa.
Brantley	Gardner, Mass.	McCleary, Minn.	Smith, Tex.
Broocks, Tex.	Gilbert, Ky.	McCreary, Pa.	Southard
Brooks, Colo.	Gillett, Cal.	McGavin	Southwick
Burke, S. Dak.	Gillett, Mass.	McKinlay, Cal.	Spight
Burleson	Goebel	McKinley, Ill.	Stafford
Butler, Pa.	Goldfogle	McLachlan	Stanley
Byrd	Graft	Marshall	Stephens, Tex.
Campbell, Ohio	Graham	Martin	Sterling
Capron	Greene	Meyer	Stevens, Minn.
Cassel	Gregg	Mondell	Tawney
Chaney	Gronna	Moore	Taylor, Ala.
Cocks	Hamilton	Mouser	Taylor, Ohio
Cole	Haskins	Needham	Thomas, Ohio
Conner	Hayes	Norris	Townsend
Cooper, Pa.	Henry, Conn.	Padgett	Tyndall
Cousins	Hepburn	Palmer	Underwood
Crumpacker	Hermann	Parker	Volstead
Currier	Higgins	Payne	Vreeland
Curtis	Hill, Conn.	Powers	Waldo
Cushman	Hinsbaw	Prince	Wallace
Dale	Hogg	Pujo	Weeks
Dalzell	Howell, Utah	Ransdell, La.	Wharton
Darragh	Hubbard	Reeder	Wiley, N. J.
Davey, La.	Humphrey, Wash.	Reid	Williams
Davis, Minn.	Jenkins	Rixey	Wilson
Dawson	Jones, Wash.	Robertson, La.	Wood, N. J.
Dixon, Mont.	Kahn	Rodenberg	Woodyard
Dovener	Keifer	Russell	

NAYS—46.

Bartholdt	Fulkerson	Lamar	Randell, Tex.
Bartlett	Garner	Lee	Richardson, Ala.
Beall, Tex.	Gillespie	Lester	Rucker
Bell, Ga.	Hardwick	Lever	Sims
Bowie	Hay	McNary	Small
Buckman	Heflin	Macon	Smith, Ky.
Clark, Mo.	Henry, Tex.	Maynard	Southall
Davis, W. Va.	Houston	Moon, Tenn.	Thomas, N. C.
De Armond	Hunt	Murphy	Towne
Ellerbe	James	Page	Webb
Fitzgerald	Johnson	Patterson, S. C.	
Flood	Jones, Va.	Rainey	

ANSWERED "PRESENT"—19.

Adamson	French	Humphreys, Miss.	Ruppert
Bowersock	Griggs	Livingston	Snapp
Brownlow	Gudger	McCall	Watkins
Candler	Hill, Miss.	Mann	Watson
Dixon, Ind.	Hopkins	Rives	

NOT VOTING—158.

Acheson	Adams, Wis.	Allen, N. J.	Bankhead
Adams, Pa.	Aiken	Babcock	Bede

Bennett, Ky.	Foster, Ind.	Lewis	Richardson, Ky.
Bingham	Fowler	Lilley, Conn.	Roberts
Blackburn	Fuller	Lilley, Pa.	Robinson, Ark.
Boutell	Garber	Lindsay	Schneebell
Bowers	Gardner, Mich.	Littauer	Shackelford
Bradley	Gardner, N. J.	Little	Sherley
Brick	Garrett	Littlefield	Sherman
Broussard	Gilbert, Ind.	Lloyd	Slemp
Brown	Gill	Lorimer	Smith, Ill.
Brundidge	Glass	McCarthy	Smith, Iowa
Burgess	Goulden	McDermott	Smith, Md.
Burke, Pa.	Granger	McKinney	Smyser
Burleigh	Grosvenor	McLain	Sparkman
Burnett	Hale	McMorran	Sperry
Burton, Del.	Haugen	Madden	Steenerson
Burton, Ohio	Hearst	Mahon	Sullivan, Mass.
Butler, Tenn.	Hedge	Michalek	Sullivan, N. Y.
Calder	Hitt	Miller	Suloway
Calderhead	Hoar	Minor	Sulzer
Campbell, Kans.	Holliday	Moon, Pa.	Talbot
Chapman	Howard	Morrell	Tirrell
Clark, Fla.	Howell, N. J.	Mudd	Trimble
Clayton	Huff	Murdock	Van Duzer
Cockran	Hughes	Nevin	Van Winkle
Cooper, Wis.	Hull	Olcott	Wachter
Cromer	Keliher	Olmsted	Wadsworth
Davidson	Kennedy, Nebr.	Otjen	Wanger
Dawes	Ketcham	Overstreet	Webber
Deemer	Kitchin, Wm. W.	Parsons	Weems
Denby	Klepper	Patterson, N. C.	Weisse
Dickson, Ill.	Kline	Patterson, Tenn.	Welborn
Dresser	Knapp	Pearre	Wiley, Ala.
Ellis	Lafean	Perkins	Williamson
Esch	Lamb	Pollard	Wood, Mo.
Fassett	Landis, Frederick	Pou	Young
Field	Law	Reynolds	Zenor
Fordney	Lawrence	Rhinock	
Foss	Legare	Rhodes	

The following pairs were announced:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. BRADLEY with Mr. GOULDEN.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. CAMPBELL of Kansas with Mr. BRUNDIDGE.

Mr. BENNETT of Kentucky with Mr. RICHARDSON of Kentucky.

Mr. MANN with Mr. HOWARD.

Mr. FULLER with Mr. WEISSE.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. CROMER with Mr. ZENOR.

Mr. WEBBER with Mr. VAN DUZER.

Mr. HEDGE with Mr. LEGARE.

Mr. WADSWORTH with Mr. BANKHEAD.

Mr. FREDERICK LANDIS with Mr. DIXON of Indiana.

Mr. SMYSER with Mr. McDERMOTT.

Mr. HOLLIDAY with Mr. BUTLER of Tennessee.

Mr. MUDD with Mr. TALBOTT.

Mr. DAWES with Mr. GARBER.

Mr. WATSON with Mr. SHERLEY.

Mr. HITT with Mr. LITTLE.

Mr. FOSTER of Indiana with Mr. GARRETT.

Until April 6:

Mr. DEEMER with Mr. KLINE.

Until April 4:

Mr. SLEMP with Mr. LAMB.

For this day:

Mr. WACHTER with Mr. WOOD of Missouri.

Mr. TIRRELL with Mr. TRIMBLE.

Mr. SMITH of Iowa with Mr. SULZER.

Mr. ROBERTS with Mr. SHACKLEFORD.

Mr. RHODES with Mr. RHINOCK.

Mr. PEARRE with Mr. WILEY of Alabama.

Mr. OVERSTREET with Mr. POU.

Mr. OLMSTED with Mr. SULLIVAN of Massachusetts.

Mr. OLCOTT with Mr. PATTERSON of North Carolina.

Mr. MAHON with Mr. LEWIS.

Mr. MCKINNEY with Mr. WILLIAM W. KITCHIN.

Mr. LITTAUER with Mr. KELIHER.

Mr. LAWRENCE with Mr. GRANGER.

Mr. LAFEAN with Mr. GLASS.

Mr. KETCHAM with Mr. GILL.

Mr. HOWELL of New Jersey with Mr. SMITH of Maryland.

Mr. HALE with Mr. FIELD.

Mr. GROSVENOR with Mr. McLAIN.

Mr. CALDERHEAD with Mr. BROUSSARD.

Mr. GARDNER of Michigan with Mr. LINDSAY.

Mr. ADAMS of Pennsylvania with Mr. BOWERS.

Mr. BURLEIGH with Mr. BURNETT.

Mr. BINGHAM with Mr. AIKEN.

Mr. BABCOCK with Mr. COCKRAN.

Mr. BURTON of Ohio with Mr. BURGESS.

Mr. BOUTELL with Mr. GRIGGS.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. KNAPP with Mr. HEARST.

On this vote:

Mr. POLLARD with Mr. ROBINSON.

Mr. MCCALL with Mr. CLAYTON.

Mr. FOSS with Mr. CLARK of Florida.

Mr. HUFF with Mr. LLOYD.

The SPEAKER. On this question the yeas are 159; the nays, 46; present, 19. A quorum is present. The yeas have it, a second is ordered, and the doors will be opened. The gentleman from California is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. NEEDHAM. Mr. Speaker, this is a bill to amend the sweet-wine law. The original law passed in 1890, and was amended in 1894. Since that time there has been no legislation upon the question. At the time of the passage of the original law and its amendment in 1894, this industry was of small amount. It has grown tremendously, and this bill provides for amendments to the sweet-wine law which are made necessary because of the growth of the industry. This bill, if enacted into law, will permit of the use of small quantities of water in the distillation of grape brandy. It will accurately define the product known as wine spirits and grape brandy as the product of grapes, or their residue. It will permit small quantities of water, not exceeding 10 per cent of the weight of the wine, to facilitate the mechanical operation of the machinery in the manufacture or making of wine; in the recovery of wine spirits it will place it upon the same plane as in the recovery of any other kind of spirits that is at 80 per cent. The bill also places a charge of 3 cents a gallon upon each taxable gallon of wine spirits or grape brandy used in the fortification of wine. At the present time the Government of the United States is expending from \$35,000 to \$50,000 a year in the supervision of this industry, without any return whatever. This bill, if it passes, will bring in a sum to the Government equivalent to from \$105,000 to \$125,000. In other words, if this bill passes, this industry will no longer be a charge upon the Government, but will be self-sustaining. It also provides for penalties for violations of the law as amended. Now, Mr. Speaker, this bill has been carefully drawn. The Commissioner of Internal Revenue went to California last fall and observed the operations of sweet-wine making upon the ground. The result of his visit and the consultations which he has had since with the members of the California delegation is the bill now before the House. This bill is indorsed by the Secretary of the Treasury. The bill was passed through the Committee on Ways and Means by every vote except that of the gentleman from Missouri [Mr. CLARK]. And, Mr. Speaker, this is in the interest of the whole industry and not against any particular branch of the wine industry, and is demanded by the people of California, in which State 95 per cent of all sweet wine is made. The grape and wine industry is a great and growing industry, and there is now invested in its various adjuncts in California alone about \$80,000,000. I reserve the balance of my time.

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. CLARK of Missouri. Mr. Speaker, this bill has nothing in the world to do with the temperance question. Some Members were very solicitous for fear that the gentleman from California [Mr. NEEDHAM] or myself, one or the other, was advocating a proposition that would cause more wine to be consumed. That is not true. The dispute is as to regulating the making of sweet wine—that's all. Individually, I do not care a straw whether anybody consumes wine or not. I never drink it myself—hardly ever. [Laughter.] As a matter of fact, I am a teetotaler, but I contend that if there is going to be wine made in the United States—and it appears that it is going to be made for all time—then all of the grape producers in the United States and all of the wine makers ought to have a square deal. My observations here in the last seven years have been that there is a good deal of the grab game in legislation here on nearly every subject, and in none more than in this wine business. In the last Congress a gentleman from California [Mr. Bell] introduced a bill which would have shut up almost every winery between the crest of the Rocky Mountains and the Atlantic seaboard. Among hands we killed that bill so dead that it never got out of the committee. The gentleman from New York [Mr. FASSETT] has another bill pending here that, if it ever passes, will shut up three-fourths of the wineries between the top of the Rocky Mountains and the Atlantic seaboard. This bill, called the Needham bill in the papers, is not nearly so obnoxious to the people this side of the Rocky Mountains engaged in the wine business as either the Fassett bill or the Bell bill which was killed in the last session of Congress, but, nevertheless, it is open to several objections.

I would remedy it by amendment but for the fact that when a bill is being considered under a motion to suspend the rules amendments can not be offered except by unanimous consent, which I have been notified I can not secure on this occasion.

Climatic conditions determine the kind of grapes which can be grown in any particular locality. It happens that in a certain part of California—not all of California, but in a certain part of it—the conditions are very favorable for the growth of grapes which produce sweet wines. Most of the wines made east of the Rocky Mountains are sour or acid wines. There is no place in the United States where grapes which will make acid or sour wines grow in more luxury and in more perfection than on the bluffs of the Missouri River. At one time Missouri led every State in the Union in the production of grapes and wines. The sour or acid wine industry originated at Cincinnati. Longfellow wrote one of his most beautiful poems in connection with the wine industry in and about that city.

It turns out that the California people are not satisfied with the law as it stands now, and, in my judgment, they never will be satisfied until they get a law passed which shuts up all the other wineries in the United States. What they really want is for Congress to give them a monopoly. I will absolve the gentleman from California [Mr. NEEDHAM] from desiring anything of that sort in this bill, but that is what the wine makers of California desire.

I offered certain amendments to this bill in the committee, and I am going to read them to you. I had some more to offer and would have offered them in the committee, but my amendments were all voted down, and I got tired of offering them and so let up. If these amendments had been adopted, I never would have raised any special objection to this bill; but they were not adopted, and I am going to do all I can to kill the bill, because it is an unfair measure.

The trouble about the sweet-wine business in California at present is that, on account of the large amount of saccharine matter that there is in the grape juice, when they undertake to pipe it from one place to another the saccharine or heavy matter gums up the pipes so that it retards the flow of this juice through the pipe. As I understand it, that is what they are driving at—trying to remedy that. I want to read to you some of these amendments that I offered. On page 1 of this bill it provides:

Sec. 43. That the wine spirits mentioned in section 42 of this act is the product resulting from the distillation of fermented grape juice.

I offered an amendment in the committee to strike out the word "grape" and insert the word "fruit." I did it for this reason: You can make just as good alcohol or brandy for the purpose of fortifying sweet wines out of any sort of fruit juice as you can out of grape juice, and there is a great deal more fruit juice in the United States in one shape and another than there is of grape juice. So there is neither sense nor justice in restricting it to "grape juice."

I offered to strike out the word "grape," in line 11, and insert the word "fruit." That was voted down. Then in the same line, after the words "juice," I offered to insert, in connection with it, "fermented fresh fruit, fermented dried fruit, or fermented residue of fruit."

Now, the truth is, as persons who are not familiar with distillation will find out when the denatured alcohol bill comes up for discussion, you can make a prime article of alcohol out of any vegetable, plant, grain, or root that contains starch or sugar in large quantities. What, then, is the sense in restraining this thing simply to grape juice? Fermented fresh fruit will make as good alcohol or brandy as grapes will, or as good wine and spirits, or whatever you call it. It is all the same thing in the end. Fermented dried fruit or fermented residue of fruit will also produce just as good alcohol. Nobody will claim that any of these substances is any more deleterious than grape alcohol or grape brandy.

The third amendment that I offered was after the word "water," in line 11, to insert the words "cane sugar, beet sugar, corn or starch sugar, rock candy, honey, sirups, or molasses." Not a single, solitary one of these articles is deleterious to the constitution of man if taken in reasonable quantities.

The fourth amendment was to strike out all of line 13 except the word "and" and insert "to which water may have been added after fermentation for the sole purpose of facilitating the economical distillation thereof."

I say that my proposition to add water at one stage of the process of distillation is just as reasonable as for the gentleman from California to want to add water at another stage of the process of distillation. The truth about the whole thing is that the more water you get into it, the better the world will be off anyhow. [Laughter.]

Now, recollect that the proponents of this bill want water added before the process of fermentation sets up simply to expedite the passage of the grape juice from one part of the apparatus for distilling to another, and this amendment of mine provides that after the process of fermentation is set up a reasonable quantity of water—the quantity to be prescribed by the Commissioner of Internal Revenue—shall be added for the purpose of facilitating the distillation.

Now, if these gentlemen had accepted these amendments, with a few more that I had, there wouldn't have been any row about it. [Laughter.]

The fifth amendment was, on page 2, after the word "sugar," to insert "corn or starch, rock candy, honey, sirup, or molasses, all in the natural form or dissolved in water."

The way it reads in the bill is:

Provided, That the addition of pure boiled or condensed grape must or pure crystallized cane or beet sugar to the pure grape juice aforesaid.

I put it to you as a matter of common sense, how does it happen that crystallized sugar is healthy and raw sugar is not healthy? It suits the convenience of our California brethren to use that particular phraseology, and that is all there is to it.

Mr. NEEDHAM. Will the gentleman submit to an interruption?

Mr. CLARK of Missouri. Yes; with pleasure.

Mr. NEEDHAM. I want to state to the gentleman that those words are in the present law and were put in for the benefit of you people.

Mr. CLARK of Missouri. I don't care who put them in or what law they are in. They were not put in for the benefit of anybody I know of, except for the benefit of California.

The sixth amendment is, after the word "aforesaid," in line 13, to insert "crushed fruit before fermentation is complete."

The very same reason applies to that that applies to the other—that the juice of the fruit is as good as the juice of the grape—and if one man has a kind of grape juice that some of the fruit juice will make a better wine out of he ought to be permitted to put it in. You can not drink the wine made out of acid or sour grapes without adding water and sugar to it, which is called "gallizing," and which is both a scientific and legitimate performance. It happens that out in California there is a small stretch of country in which the grapes have so much sugar in them that they do not have to add sugar to the juice to make wine. As a matter of fact, I understand it to be the case that sometimes, on account of the peculiarity of the season, they have to add acid to the grape juice to make good wine.

The next amendment is, in line 13, after the word "or," to insert "with the addition of crystallized cane or beet sugar, or rock candy, either in natural form or boiled in enough water only so as to dissolve it, to the fermented product of such grape juice," etc.

I repeat the statement I made about the others, that if they are prepared to add what they wanted to it could not hurt a man by the addition of crystallized cane or beet sugar, or rock candy, either in its natural form, etc., and the other amendments are all of the same character. I do not believe that Congress ought to be interfering with the private business of the country by eternally undertaking to exploit one man's particular methods—methods of production—at the expense of another's.

My own judgment on the matter is that in passing bills of this class generally the Members of the House ought to give a great deal more attention to them than they do. This bill, instead of being brought here to be passed under suspension of the rules, where we have twenty minutes on a side to discuss it, ought to have been brought up in the regular way, so that we would have had as much time as we wanted to explain the bill and to pick it to pieces if one did not like it. That is all I have to say about it.

Mr. NEEDHAM. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, as one of the committee that reported this bill, I want to say a few words. I was in favor of several of the amendments offered by the gentleman from Missouri [Mr. CLARK]. Of course we understand the parliamentary situation here. The bill is not amendable under suspension of the rules. Mr. Speaker, all that this bill does is to enable water to be added to the grape must, out of the fermentation of which wine proceeds. The California grape is a very rich, pulpy, sweet grape. With a small winery and very little machinery even that sort of grape is easily handled without adding any water to the pressed-out juice, but as the grape industry in California grew more and more, and as these establishments became very much larger and more complicated, with a lot of machinery and pipes leading from one part to another in which to carry the juice, it was found that the

rich, pulpy, sweet juice of the California grape clogged the pipes; and what astonished me most about this legislation when it was presented to the Committee on Ways and Means was the fact that there should be in existence any such law preventing a man from putting water in his grape juice—any need for this legislation. Now, when you get East the grapes are thin and acid, and the juice is a good deal like water after it is pressed out, with a good deal of grape acid in it. The same problem therefore does not present itself with eastern grape must, as there is no danger of that sort of grape juice clogging any pipes.

The present law is so severe that if a man puts even water in the grape juice to make it thinner, so that it shall not clog the pipes, he is subject to a penalty of a fine and imprisonment under the internal-revenue law. As far as the eastern grape grower is concerned that does not bother him, as I have said, because his grape juice is thin and acid, but as far as the Californian is concerned and the man who raises grapes down on the Gulf coast—where there is likewise a rich, sweet, and pulpy grape—it does bother him if he is going into the wine business on a large scale. So that this bill asks that wine makers be permitted to put water in the must in order that the pipes shall not clog. Now, then, in connection with one of the amendments referred to, an amendment to permit not only grape brandy to be added in fortifying, as can be done under existing law—not a provision created by this bill, but existing law—but also the brandy from other fruits, it seemed to us that that would change the character of the product. It would not be a grape product any more if fortified with peach brandy or apple brandy or something else. It would destroy at least the flavor, and a thing would be put upon the market as wine that was not altogether the product of the grape. Wine is the product of the grape. If grape juice was to be fortified with anything it should be with grape brandy. Mr. Speaker, the other provision in this bill makes the wineries pay the cost of the inspection which becomes necessary upon the part of the Government, because, of course, a man might, under the pretense of putting water in his must, put something else besides water in it. This necessitates some additional expense upon the part of the Government in order to see that this privilege of putting water in shall not be abused in that way. To obviate the objection that this would put an expense upon the people and the Government the bill provides that the wineries shall pay the tax stated, which will more than cover the expense.

The SPEAKER. The time of the gentleman has expired.

Mr. NEEDHAM. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, does the gentleman from Missouri intend to use the rest of his time?

Mr. CLARK of Missouri. No.

Mr. PAYNE. Mr. Speaker, I do not think I need trouble the House but a little while. In 1890 Congress allowed brandy to be used free of tax in fortifying sweet wine, and since that time the industry has grown tremendously, so that now we use three million and a half gallons of brandy, roughly speaking, to fortify the wines of the United States. A great portion is used in California, some in New York, some in Ohio, and some in Missouri, and it turns out that this wise provision of the law has captured nearly the whole American market for sweet wines, so that only a trifle is imported, and the great mass of sweet wine consumed in this country is made here. But it turned out that the must in some localities in some seasons, when the summer was hot and the grapes ripened early, contained so much saccharine matter that the manufacturers could not pass it through the pipes without the addition of water, and I suspect that some of them have been violating the law, because they must have the water in the must in order to get it through the pipes. When the Commissioner found this out he went after them, and the result was the concoction of this law. All the sweet-wine producers in the United States, including Missouri—perhaps I ought to say "and Missouri"—unite in the provisions of the law in order to meet a mechanical necessity in the manufacture of the wine. Now, if they were allowed to use any amount of water in their own sweet will in fortifying this must and used the brandy to fortify the grape juice, it might turn out simply a subterfuge with enough grape juice put in to evade the law and 90 per cent or 50 per cent of water and the balance of alcohol, furnishing a very cheap drink with free alcohol. To guard against this, these strenuous provisions are put into this bill, and in order to make the thing exactly equitable it is also provided that there shall be a tax of 3 cents a gallon put upon the spirits fortifying the wine in order to raise enough money to pay the expenses of the administration. We also regulate in the bill the amount of sugar that may go into the wine—not exceeding 10 per cent.

Mr. KAHN. At the present time the Government of the United States pays that expense; is not that a fact?

Mr. PAYNE. It has ever since the law was enacted, but these other provisions are so widely extended and the expense has been so much that it was thought just on the part of the Commissioner of the Revenue and the Treasury Department that this tax should go on, in order that the wine makers should pay at least a part of the expense that will come up in the future that the Government has stood in the past. Now, our friend from Missouri comes in here and talks about the pure-food bill. That has no relation to this question. It is simply admitting sugar into the must before it is fermented in order to increase the amount of alcohol or spirit brandy in the must to fortify the wines, so they will keep and be preserved until they are ready to be used.

Mr. CLARK of Missouri. I would like to ask the gentleman from New York a question.

Mr. PAYNE. Certainly.

Mr. CLARK of Missouri. We have legislated here to allow these California people to put water into the grape juice simply to facilitate getting it through the pipes. What reasonable objection can there be to permitting somebody else who is a manufacturer of wine to add water after fermentation for the purpose of facilitating economical distillation? It looks like one thing is as fair as the other, and if you had let me put that amendment in, and seven others, I would not have objected.

Mr. PAYNE (reading)—

Sec. 43. That the wine spirits mentioned in section 42 of this act is the product resulting from the distillation of fermented grape juice, to which water may have been added prior to, during, or after fermentation for the sole purpose of facilitating, etc.

The only limit is there shall not be put exceeding 10 per cent of it, and it can be put in afterwards, as the gentleman would like to amend the bill now. The gentleman from Missouri is crying for more water, as I understand it, in this wine. The difficulty with that is it opens the way for evasion of the internal-revenue laws of the country. These men simply use water to tone down the spirits that are put into it to make a convenient drink which is not wine and bears a resemblance to whisky. The gentleman wants to put rock into it. I understand rock goes very well with rye in Missouri, but I never heard before they needed it in the manufacture of wine. The gentleman wants to put molasses in it. Why not take pure sugar, as the bill provides, from cane or beet sugar?

Mr. CLARK of Missouri. If one sweet thing is good to go into it why not another?

Mr. PAYNE. Of course, you might go on with the whole list and enumerate them, but it is sufficient to put in the sugar. Sugar is pure and the best thing to go in. The grape growers want to use it, the wine makers want to use it, so why go out of our way and conjure up something else like rock candy and molasses?

Mr. CLARK of Missouri. Rock and rye is one of the most seductive tipples on earth.

Mr. PAYNE. Of course the gentleman knows molasses is impure, and he wants to get some impurity into this wine. We are after pure sugar, and that is the reason the bill is made up as it is.

Mr. NEEDHAM. Mr. Speaker, I call for a vote.

The question was taken; and the Chair announced that the ayes appeared to have it.

On a division (demanded by Mr. CLARK of Missouri) there were—ayes 111, noes 17.

Mr. CLARK of Missouri. No quorum, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, the gentleman shouting "No quorum!" raises no question.

Mr. CLARK of Missouri. Mr. Speaker, I raise the point, then, there is no quorum present.

Mr. PAYNE. That is different.

Mr. CLARK of Missouri. I did it the way it is generally done—ninety-nine times out of a hundred.

The SPEAKER. Evidently there is no quorum present. The Sergeant-at-Arms will close the doors and bring in absentees. The question is on suspending the rules, agreeing to the amendments, and passing the bill. As many as are in favor of the motion will, as their names are called, answer "aye," as many as are opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—ayes 185, nays 34, answered "present" 12, not voting 151, as follows:

YEAS—185.

Acheson	Barchfeld	Bishop	Brownlow
Adams, Wis.	Bates	Bonyne	Buckman
Alexander	Beall, Tex.	Bowersock	Burke, Pa.
Allen, Me.	Bede	Brantley	Burke, S. Dak.
Allen, N. J.	Bell, Ga.	Brooks, Tex.	Burleson
Babcock	Bennet, N. Y.	Brooks, Colo.	Burnett
Bannon	Birdsall	Brown	Burton, Del.

Burton, Ohio	Gillett, Mass.	Loud	Sibley
Butler, Pa.	Glass	Loudenslager	Slayden
Campbell, Ohio	Goebel	Lovering	Smith, Cal.
Capron	Goldfogle	McCleary, Minn.	Smith, Md.
Cassell	Graff	McCreary, Pa.	Smith, Samuel W.
Chaney	Graham	McGavin	Smith, Wm. Alden
Cocks	Granger	McKinlay, Cal.	Smith, Tex.
Cole	Gregg	McKinley, Ill.	Snapp
Conner	Gronna	McKinney	Southard
Cooper, Pa.	Hamilton	McLachlan	Southwick
Cooper, Wis.	Haugen	McNary	Sperry
Cousins	Hayes	Marshall	Spight
Crumpacker	Henry, Conn.	Miller	Stafford
Currier	Henry, Tex.	Minor	Stanley
Curtis	Hepburn	Mondell	Steenerson
Cushman	Hermann	Moon, Pa.	Stephens, Tex.
Dale	Higgins	Moore	Sterling
Dalzell	Hill, Conn.	Mouser	Stevens, Minn.
Darragh	Hinslaw	Needham	Sullivan, Mass.
Dawson	Hoar	Norris	Tawney
Denby	Houston	Otjen	Taylor, Ala.
Dickson, Ill.	Howell, Utah	Padgett	Thomas, Ohio
Dovener	Hubbard	Parker	Townsend
Draper	Humphrey, Wash.	Payne	Underwood
Driscoll	Humphreys, Miss.	Powers	Volstead
Dunwell	Jenkins	Prince	Vreeland
Dwight	Jones, Wash.	Pujo	Wachter
Edwards	Kahn	Ransdell, La.	Waldo
Esch	Keifer	Reeder	Wallace
Fitzgerald	Kellher	Richardson, Ala.	Watson
Flack	Kennedy, Nebr.	Rixey	Weeks
Fletcher	Kinkaid	Robertson, La.	Wharton
Foster, Vt.	Klepper	Rodenberg	Wiley, Ala.
Gaines, Tenn.	Knopf	Russell	Wiley, N. J.
Gaines, W. Va.	Knowland	Ryan	Williams
Gardner, Mass.	Lacey	Samuel	Woodward
Gilbert, Ind.	Landis, Chas. B.	Scott	Young
Gillespie	Lawrence	Scroggy	
Gillett, Cal.	Le Fevre	Shartel	
	Lilly, Pa.	Sheppard	

NAYS—34.

Bartholdt	Garner	Maynard	Rucker
Bartlett	Gudger	Moon, Tenn.	Shackelford
Clark, Mo.	Hay	Murphy	Sims
Davis, W. Va.	Hunt	Page	Smith, Ky.
De Armond	Johnson	Patterson, S. C.	Thomas, N. C.
Flood	Jones, Va.	Pou	Webb
Floyd	Kitchin, Claude	Rainey	Welborn
French	Lamar	Randell, Tex.	
Fulkerson	Macon	Rives	

ANSWERED "PRESENT"—12.

Adamson	Candler	Hopkins	Reid
Burgess	Dixon, Ind.	McCall	Ruppert
Byrd	Hill, Miss.	Mann	Watkins

NOT VOTING—151.

Adams, Pa.	Foss	Lee	Rhinock
Aiken	Foster, Ind.	Legare	Rhodes
Ames	Fowler	Lester	Richardson, Ky.
Andrus	Fuller	Lever	Roberts
Bankhead	Garber	Lewis	Robinson, Ark.
Beldier	Gardner, Mich.	Lilley, Conn.	Schneebell
Bennett, Ky.	Gardner, N. J.	Lindsay	Sherley
Bingham	Garrett	Littauer	Sherman
Blackburn	Gilbert, Ky.	Little	Slomp
Boutell	Gill	Littlefield	Small
Bowers	Goulden	Livingston	Smith, Ill.
Bowie	Greene	Lloyd	Smith, Iowa
Bradley	Griggs	Longworth	Smith, Pa.
Brick	Grosvenor	Lorimer	Smyser
Broussard	Hale	McCarthy	Southall
Brundidge	Hardwick	McDermott	Sparkman
Burleigh	Haskins	McLain	Sullivan, N. Y.
Butler, Tenn.	Hearst	McMorran	Sulloway
Calder	Hedge	Madden	Sulzer
Calderhead	Heflin	Mahon	Talbott
Campbell, Kans.	Hitt	Martin	Taylor, Ohio
Chapman	Hogg	Meyer	Tirrell
Clark, Fla.	Holliday	Michalek	Towne
Clayton	Howard	Morrell	Trimble
Cockran	Howell, N. J.	Mudd	Tyndall
Cromer	Huff	Murdock	Van Duzer
Davey, La.	Hughes	Nevin	Van Winkle
Davidson	Hull	Olcott	Wadsworth
Davis, Minn.	James	Olmsted	Wanger
Dawes	Kennedy, Ohio	Overstreet	Webber
Deemer	Ketcham	Palmer	Weems
Dixon, Mont.	Kitchin, Wm. W.	Parsons	Welss
Dresser	Kline	Patterson, N. C.	Williamson
Ellerbe	Knapp	Patterson, Tenn.	Wilson
Ellis	Lafean	Pearre	Wood, Mo.
Fassett	Lamb	Perkins	Wood, N. J.
Finley	Landis, Frederick	Pollard	Zenor
Fordney	Law	Reynolds	

The following pairs were announced:

For the session:

Mr. Foss with Mr. MEYER.

Until further notice:

Mr. HASKINS with Mr. LEVER.

For the balance of the day:

Mr. LAW with Mr. JAMES.

Mr. DRISCOLL with Mr. HARDWICK.

Mr. PARSONS with Mr. COCKRAN.

Mr. FASSETT with Mr. LESTER.

Mr. VAN WINKLE with Mr. BOWIE.

Mr. BRICK with Mr. HEFLIN.

Mr. HULL with Mr. HILL of Mississippi.

Mr. CALDER with Mr. LEE.
 Mr. OVERSTREET with Mr. TOWNE.
 Mr. LORIMER with Mr. CLARK of Florida.
 Mr. GREENE with Mr. SMALL.
 Mr. WILSON with Mr. LIVINGSTON.
 Mr. McMORRAN with Mr. SOUTHAL.
 Mr. DIXON of Montana with Mr. RUCKER.
 Mr. BROWNLOW with Mr. GILBERT of Kentucky.
 Mr. AMES with Mr. DAVEY of Louisiana.

For the vote:

Mr. BEIDLER with Mr. FINLEY.

Mr. ANDRUS with Mr. ELLERBE.

The SPEAKER. On this question the yeas are 185, the nays 33, present 12. A quorum is present. The yeas have it, and the rules are suspended, and the bill as amended is passed. The Doorkeeper will open the doors.

APPOINTMENTS TO NAVAL ACADEMY.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 5276, as amended by the Naval Committee. It relates to the appointments at Annapolis.

The bill was read, as follows:

A bill (H. R. 5276) relating to appointments to the Naval Academy, and for other purposes.

Be it enacted, etc., That section 1514 of the Revised Statutes of the United States as amended by the act of July 26, 1894, is hereby amended to read, on and after June 1, 1906, as follows: "The Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the final graduation of midshipmen in the succeeding year, notify in writing each Senator and each Member and Delegate of the House of Representatives of any vacancy that will exist at the Naval Academy because of such graduation, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Member, or Delegate, if such recommendation is made by the 15th day of August of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine. No candidate or alternate nominated hereunder shall be entitled to any pay or allowance until he shall have been regularly admitted to the Naval Academy. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates."

SEC. 2. That the academic course of midshipmen at the Naval Academy shall hereafter be four years. When midshipmen shall have passed successfully the graduating examination at the academy they shall receive appointments as ensigns, and shall take rank according to their proficiency as shown by the order of their merit at the date of graduation.

SEC. 3. That after the 1st day of July, 1906, all candidates for admission to the Naval Academy at the time of their admission must be between the ages of 16 and 20 years.

SEC. 4. That civilian professors and instructors, after ten years of continuous service, be provided with quarters or commutation therefor as now allowed to a lieutenant-commander of the Navy; that all professors and instructors have the privilege of purchasing coal and wood at Government rates.

SEC. 5. That there shall be appointed during the year 1906, in the following manner, a Board of Visitors to attend the annual examination of the Naval Academy: Seven persons shall be appointed by the President, two of whom shall serve for one year each, two for two years each, and three for three years each; one Senator to serve for one year and one Senator to serve for two years, and three Members of the House of Representatives, one to serve one year, one to serve two years, and one to serve three years; said Senators and Representatives to be designated by the Vice-President or the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination; and annually thereafter, at the expiration of the terms of service of persons appointed hereunder, successors shall be appointed to serve for periods of three years each. Vacancies occurring in the membership of said board because of termination of terms of service in the Senate or House of Representatives of members of those bodies, and all vacancies occurring from any other cause, shall be filled by appointment for the unexpired terms, respectively. Each member of said board shall receive not exceeding 8 cents per mile traveled by the most direct route from his residence to Annapolis, and 8 cents per mile for each mile from said place to his residence on returning and \$5 per diem for expenses during actual attendance at the academy.

Mr. SLAYDEN. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill.

Mr. SLAYDEN. Reserving the right to object, I would like to hear an explanation of that bill, as I could not hear the Clerk.

Mr. VREELAND. Mr. Speaker, I am glad to explain the bill

to my friend from Texas. It embodies some recommendations that have been made by the Board of Visitors at Annapolis during a good many years past. Last year the gentleman from Virginia [Mr. JONES], the gentleman from Connecticut [Mr. BRANDEGEE, now Senator BRANDEGEE], and myself were the Board of Visitors. We spent a week at Annapolis, and made some recommendations, which I was requested to bring before the House. The principal changes made in the present law are two or three in number. First, a midshipman is required to be appointed about a year in advance of the vacancy, the same as is now done at West Point. This is to give him an opportunity to study up for his entrance examination.

Mr. SLAYDEN. In that connection I would like to ask the gentleman a question. If I understand the bill correctly, all the appointments must be made there in about eight weeks, between the 1st of June and the 1st of August.

Mr. VREELAND. About ten weeks' notice, unless there is a vacancy in the office of Representative.

Mr. SLAYDEN. And no notice in anticipation of that to be given to the Members and Senators?

Mr. VREELAND. About ten weeks.

Mr. SLAYDEN. Well, it might happen that the Member might be inaccessible to the mails, or out of the country, and you say no advance notice is provided for?

Mr. VREELAND. The law is the same as has existed since 1866 at West Point, and that we have been working under all these years.

Mr. SLAYDEN. I think the gentleman is mistaken. We have much more time than that for the appointment of military cadets.

Mr. VREELAND. It is the same as the West Point law at present, as I understand it.

Mr. SLAYDEN. We are notified about the 4th of March, and we have from the 4th of March until about the 1st of June.

Mr. VREELAND. I have no doubt that the same practice would prevail in the present instance. I assume it is not required by law. I do not understand the provision at West Point is required by law, but the Secretary of War has this preliminary notice sent to Members that a vacancy is about to exist. I assume the same practice would be followed here. I assume that the procedure of the Secretary of War in reference to the Military Academy was based upon law. It is desirable to have this advance notice given, and possibly the gentleman is right about it, but I think he will find a regulation of the War Department or a practice which they follow to give ample preliminary notice.

Mr. SLAYDEN. My colleague from Virginia says that we have virtually eight months' notice at the Military Academy of appointments.

Mr. VREELAND. There is no object for anyone to fix a time in which an appointment can be made. That would not be pleasant to the Representative, because he is obliged in any event to appoint from his district an actual resident of the district.

Mr. LACEY. I would like to ask the gentleman a question in that connection. Why is the law changed?

Mr. VREELAND. The gentleman from Texas, I do not think, has concluded yet.

Mr. SLAYDEN. In a moment. Mr. Speaker, it would be no practical gratification to a Member to know that the Secretary of the Navy will appoint some one from his district, when he takes from the Representative the privilege he has heretofore exercised, and which all value.

Mr. VREELAND. I was assigning that as the reason why the Secretary of the Navy would not be endeavoring to take any advantage in the appointment of midshipmen.

Mr. SLAYDEN. Suppose a Member were out of the country for those ten weeks?

Mr. VREELAND. I assume that if a Member is absent from the country some one is left to attend to his mail.

Mr. SLAYDEN. But not some one with authority to select and nominate a midshipman.

Mr. VREELAND. I suggest to my friend from Texas that we ought to give a little attention to the benefit of the academy, and that if a Member goes away without leaving anyone to attend to public matters which are in his charge, I think that he ought to lose the appointment, although I have not the slightest question but that it would be held open for him until his return.

Mr. SLAYDEN. I will say to the gentleman that I have paid considerable attention to the welfare of the academy, and I am proud to say that all the young men I have appointed have graduated quite near the top.

Mr. LACEY. In the bill which I have in my hand I see, in line 14, page 3, the ages are from 16 to 19 years. At present I believe it is from 15 to 20. Why is this change made?

Mr. VREELAND. There has been no change made. The bill as read from the desk leaves it from 16 to 20.

Mr. LACEY. Is it not 15 to 20 now?

Mr. VREELAND. No. No change is made in that respect.

Mr. CRUMPACKER. Mr. Speaker, this law provides that if the appointment shall not be made by the 15th of August the Secretary shall make it.

Mr. VREELAND. Shall make it from the Member's district.

Mr. CRUMPACKER. Suppose a Member of Congress makes an appointment within the time and the appointee fails to pass the necessary examination?

Mr. VREELAND. The gentleman will find that is provided for farther on in the section. He has the right in case of the death of the appointee or his failure to pass the examination, just the same as at West Point, to fill the vacancy again.

Mr. CRUMPACKER. The Representative can appoint somebody to take his place?

Mr. VREELAND. Yes.

Mr. SLAYDEN. Mr. Speaker, I do not like to interpose an objection, but this changes the whole plan of appointment to the Naval Academy, and I confess that I did not know this bill was likely to be brought before the body. I should like to have time to study it.

Mr. VREELAND. I hope the gentleman will not object. I want to suggest to him an additional fact. Under the present law at Annapolis 30 per cent of all the men that we appoint and send down there fail in their examinations. At West Point, with the chance of study for a year, practically 100 per cent of these young men are able to obtain admission.

Mr. SLAYDEN. If Members would exercise proper care in the selection of appointees, I do not think there would be the trouble that the gentleman complains of.

Mr. VREELAND. The result is that we are maintaining a school at great expense at Annapolis and only 70 per cent of the boys who ought to be there are admitted on account of lack of time for preparation.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, I must object to the present consideration of the bill.

Mr. VREELAND. Mr. Speaker, I move to suspend the rules and pass the bill as amended.

Mr. SLAYDEN. I demand a second.

Mr. VREELAND. I ask unanimous consent that a second be considered as ordered.

Mr. DE ARMOND. Mr. Speaker, before that is disposed of, I would like to ask the gentleman whether he will allow an amendment to the date there, the 15th of August?

Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman from New York—

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is entitled to twenty minutes and the gentleman from Alabama to twenty minutes.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent that an amendment be considered as pending—

Mr. SLAYDEN. Mr. Speaker, I would like to submit a suggestion to the gentleman.

Mr. VREELAND. I yield to the gentleman for half a minute.

Mr. SLAYDEN. I beg the gentleman's pardon. He was asking something and I did not intend to interrupt him.

Mr. VREELAND. I ask unanimous consent that an amendment be added to the bill, on page 1, line 6, that August 1 be changed to April 1, in order to provide for a longer notice.

Mr. SLAYDEN. What is the time the gentleman asks for?

Mr. VREELAND. I ask that the time of notifying the members be changed from August 1 to April 1.

Mr. SLAYDEN. Mr. Speaker, let the amendment be reported.

Mr. VREELAND. Mr. Speaker, I understand the only objection on the part of the gentleman who objected is as to the time of notice in section 1. In order to meet that objection I ask unanimous consent that the bill be amended, on page 2, line 5, by striking out the word "August" and inserting the word "April," and add the words "the year following."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 4, strike out the word "August," and insert the word "April;" and after the word "year," insert "following;" so as to read "the 15th day of April of the year following that in which said notice in writing is given."

The SPEAKER. Is there objection?

Mr. RIXEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York in regard to

section 4. I notice that the report states that section 4 provides that civilian professors and instructors, after ten years or more continued service, shall be provided with commutation as now allowed to a lieutenant-commander in the Navy. In section 4 of the bill nothing is said about ten years of service.

Mr. VREELAND. I will say that that was owing to the neglect of the clerk of the Naval Committee to have the committee amendments inserted in the reprint of the bill, but I have inserted the amendments in the bill and they were so read in the bill.

Mr. RIXEY. I understand the gentleman from New York proposed to amend this section.

Mr. VREELAND. It was proposed to amend it, and the amendments were in the bill as read from the desk.

The SPEAKER. Is there objection to the amendments?

Mr. RIXEY. The reason I wanted to know in regard to section 4 was that unless it was amended I should object to this.

The SPEAKER. The Chair hears no objection.

Mr. PADGETT. Mr. Speaker—

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. VREELAND. I will yield to the gentleman.

Mr. PADGETT. I want to call the gentleman's attention to line 13, page 3, in the printed bill. It reads "examinations." The committee recommended that that be stricken out and the word "admission" inserted. That was a committee amendment.

Mr. VREELAND. I think the bill reads "admission."

Mr. PADGETT. No; it reads "examinations."

Mr. VREELAND. That was a committee amendment, which should have gone in, and I ask unanimous consent that on page 3, line 13, the word "examinations" be changed to "admission."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. VREELAND. Mr. Speaker, I have accepted these amendments of the several items, and my understanding is that this removes the objection which the gentleman had to the bill, and I ask that a vote be taken.

Mr. SLAYDEN. Do I understand the gentleman from New York to state that with the exception of the amendments that have been made the law will provide for the same methods of appointment in every other respect that the existing law does?

Mr. VREELAND. Yes; there is no other change.

Mr. SLAYDEN. Then I have no objection.

Mr. RIXEY. Mr. Speaker, I want two or three minutes.

Mr. VREELAND. I will yield five minutes to the gentleman from Virginia.

Mr. RIXEY. Mr. Speaker, I shall not object to this bill to the extent of demanding a vote. At the same time there are some features that I do not indorse or approve. One is the section to which I have called the attention of the gentleman from New York, and another is that the civilian professors and instructors are provided with quarters or commutation thereof as now allowed officers performing a like service. While the section has been amended by providing that civilian professors and instructors must have ten years of service before they have the quarters or commutation therefor now allowed to naval officers performing like service, I think the provision is still objectionable. I do not like this way of legislating for the pay of civilian professors at the academy. This bill does not carry or state what is the compensation of these professors; that provision is carried in the naval appropriation bill. If quarters are to be provided provision should be made in the general appropriation bill and not by this special bill. The effect of this provision is if the Department directed that a rear-admiral should be one of the professors of mathematics at the academy, the civilian professors of mathematics would get the commutation for quarters that a rear-admiral got.

Mr. MEYER. Mr. Speaker, will the gentleman submit to an interruption?

Mr. RIXEY. I will yield to the gentleman.

Mr. MEYER. Is it not a fact that the committee amendment to that provision provided that civilian instructors mentioned shall have the same rate of commutation of quarters and allowances as a naval officer with the rank of lieutenant-commander?

Mr. RIXEY. Mr. Speaker, I had overlooked that fact, and the gentleman from Louisiana is right. The amendment is not printed with the bill and therefore it was overlooked. He would have commutation for quarters which a lieutenant-commander would get. My objection to this bill is that these quarters or commutation therefor should be provided for, if at all, in the naval appropriation bill, which takes care of the Naval Academy. That is my view of the matter. I am not going to op-

pose the bill to the extent of demanding a vote. I simply wanted to express my dissent to this provision.

Mr. VREELAND. Mr. Speaker, I ask for a vote on the bill, which I will state here was reported unanimously by the Committee on Naval Affairs, with the exception of the gentleman from Virginia [Mr. RIXEY].

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

FORFEITURE OF RIGHTS OF WAY THROUGH PUBLIC LANDS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15513) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby freed and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I am directed by the Committee on Public Lands to offer the following amendment to the bill.

The SPEAKER. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill add the following: "Provided, That in any case under this act where construction of the railroad is progressing at the date of the approval of this act the forfeiture declared in this act shall not take effect as to such line of railroad for one year after such approval."

Mr. WALDO. Mr. Speaker, will the gentleman permit an inquiry?

The SPEAKER. Does the gentleman yield?

Mr. LACEY. Certainly.

Mr. WALDO. I would like to know the purpose of this bill, reserving the right to object.

The SPEAKER. It is too late to object. Unanimous consent has already been given.

Mr. LACEY. Mr. Speaker, I think the gentleman will not have any objection after I make the explanation. In 1875 what was known as the "right-of-way act" was passed, giving to railway companies the right to build their roads across the public domain upon the filing of plats, having those plats approved by the Department of the Interior. Some of these plats were filed more than thirty years ago. No roads have been built upon a large number of them. It is proposed now by this bill to declare a forfeiture of all of those old rights of way that have been thus unused for a period of more than five years previous to the passage of this act. While the time of using the right of way was limited in the original act to five years, the courts hold that there must either be a judicial or a legislative declaration of forfeiture in order to terminate the rights under grants of this character. Consequently the Department has asked the Committee on Public Lands to report a bill to declare forfeiture of all those old grants so as to clear the calendar of the Interior Department. After reporting the bill, however, we ascertained that there was one road whose rights are over five years' old that has now commenced the process of construction, and the amendment offered is to give an additional year to any roads that are now being constructed before the forfeiture will take effect. There are a good many of these old plats, and they interfere with the filing of new ones. When a new railroad scheme comes up they are sometimes confronted with an old plat twenty-five or thirty years of age, and attempt is made to sell out to them. These old grants ought all to be declared forfeited.

Mr. HOGG. Mr. Speaker, I would ask the gentleman from Iowa what time would be given a road that is now in process of construction?

Mr. LACEY. One year.

Mr. BROOKS of Colorado. One year for what?

Mr. LACEY. To finish the road. We know of only one case

where one of those old plats has recently been attempted to be built upon.

Mr. HOGG. The reason I ask is that the Moffatt road is using an old right of way.

Mr. LACEY. They would have a year to finish it.

Mr. HOGG. But it can not be built in one year. I would like to have that amendment amended so as to make it three years instead of one year.

Mr. LACEY. There will be no objection to that.

Mr. HOGG. Mr. Speaker, I move to amend the amendment by inserting the word "three" in place of the word "one."

Mr. LACEY. The reason the committee put it in at one year was because the only company we knew of under those circumstances said that one year would be ample. There is no objection to making it three years.

The SPEAKER. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "one" and inserting the word "three;" so as to read "for three years after such approval."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and the amendment to the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the amendment as amended.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

INSPECTORS OF HULLS AND BOILERS.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4300.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent that the reading of the bill may be dispensed with, and pending that request I desire to make this statement to the House.

The SPEAKER. By unanimous consent a statement can be made, but it seems to the Chair that all bills ought to be read.

Mr. GAINES of West Virginia. Mr. Speaker, I make the request in this case because this bill is almost an exact reprint of the existing statute, and I can state to Members in a word or two the only respects in which any change whatever is made.

Mr. CRUMPACKER. Mr. Speaker, I suggest to the gentleman that he move to suspend the rules, and then time will not be wasted. For that purpose I object now.

Mr. GAINES of West Virginia. Mr. Speaker, I move to suspend the rules and pass Senate bill 4300.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4300) to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels.

Be it enacted, etc., That section 4414 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"Sec. 4414. There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pa.; San Francisco, Cal.; New London, Conn.; Baltimore, Md.; Detroit, Mich.; Chicago, Ill.; Bangor, Me.; New Haven, Conn.; Michigan, Mich.; Milwaukee, Wis.; Willamette, Oreg.; Puget Sound, Wash.; Savannah, Ga.; Pittsburg, Pa.; Oswego, N. Y.; Charleston, S. C.; Duluth, Minn.; Superior, Mich.; Apalachicola, Fla.; Galveston, Tex.; Mobile, Ala.; Providence, R. I., and in each of the following ports, New York, N. Y.; Jacksonville, Fla.; Portland, Me.; Boston, Mass.; Buffalo, N. Y.; Cleveland, Ohio; Toledo, Ohio; Norfolk, Va.; Evansville, Ind.; Dubuque, Iowa; Louisville, Ky.; Albany, N. Y.; Cincinnati, Ohio; Memphis, Tenn.; Nashville, Tenn.; St. Louis, Mo.; Port Huron, Mich.; New Orleans, La.; Juneau, Alaska; St. Michael, Alaska; Point Pleasant, W. Va.; and Burlington, Vt., one inspector of hulls and one inspector of boilers.

The inspectors of hulls and the inspectors of boilers in the districts and ports enumerated in the preceding paragraph shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce and Labor, namely:

"For the port of New York, N. Y., at the rate of \$2,500 per year for each local inspector.

"For the districts of Philadelphia, Pa.; Baltimore, Md.; San Francisco, Cal., and Puget Sound, Wash., and the ports of Boston, Mass.; Buffalo, N. Y., and New Orleans, La., at the rate of \$2,250 per year for each local inspector.

"For the districts of Michigan, Mich.; Milwaukee, Wis.; Duluth, Minn.; Providence, R. I.; Chicago, Ill., and the ports of Albany, N. Y.; Cleveland, Ohio; Portland, Me.; Juneau, Alaska; St. Michael, Alaska, and Norfolk, Va., at the rate of \$2,000 per year for each local inspector.

"For the districts of Oswego, N. Y.; Willamette, Oreg.; Detroit, Mich., and Mobile, Ala., and the ports of St. Louis, Mo., and Port Huron, Mich., at the rate of \$1,800 per year for each local inspector.

"For the districts of Pittsburg, Pa.; New Haven, Conn.; Savannah, Ga.; Charleston, S. C.; Galveston, Tex.; New London, Conn.; Superior, Mich.; Bangor, Me., and Apalachicola, Fla., and the ports of Dubuque, Iowa; Toledo, Ohio; Evansville, Ind.; Memphis, Tenn.; Nashville, Tenn.; Point Pleasant, W. Va.; Burlington, Vt.; Jacksonville, Fla.; Louisville, Ky., and Cincinnati, Ohio, at the rate of \$1,500 per year for each local inspector.

"And in addition the Secretary of Commerce and Labor may appoint, in districts or ports where there are 225 steamers and upward to be inspected annually, assistant inspectors, at a salary, for the port of New York, of \$2,000 a year each; for the port of New Orleans, La.; the districts of Philadelphia, Pa.; Baltimore, Md.; the ports of Boston, Mass.; Chicago, Ill., and the district of San Francisco, Cal., at \$1,800 per year each, and for all other districts and ports at a salary not exceeding \$1,600 a year each; and he may appoint a clerk to any such board at a compensation not exceeding \$1,600 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses or mileage, at the rate of 5 cents a mile, incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce and Labor.

"Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors.

"And the Secretary of Commerce and Labor may from time to time detail said assistant inspectors of one port or district for service in any other port or district as the needs of the Steamboat-Inspection Service may, in his discretion, require, and the actual and reasonable traveling expenses or mileage of assistant inspectors so detailed shall, subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspectors."

Sec. 2. That this act shall take effect and be in force on and after the 1st day of May, 1906.

The SPEAKER. Is a second demanded?

Mr. BURTON of Ohio. Mr. Speaker, reserving the right to demand a second, I should like—

Mr. CRUMPACKER. Mr. Speaker, I demand a second, in order to save time.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from West Virginia is entitled to twenty minutes and the gentleman from Indiana to twenty minutes.

Mr. GAINES of West Virginia. Mr. Speaker, this bill amends section 4414 of the Revised Statutes of the United States, which relates to inspectors of hulls and boilers of steam vessels. Notwithstanding the fact that so many places are mentioned in this bill, the present bill is an exact reprint of the existing law, with the exception of three changes which I will now specify to the House. In the first place, at the request of the Secretary of Commerce and Labor, a new inspection district was created at St. Michael, in Alaska. St. Michael is a point southwest of the southern end of Bering Strait, and is, perhaps, as much as 2,000 miles from Juneau, the only other station or post of this sort in Alaska. In addition to that, this bill proposes to abolish two inspection districts on the Ohio River, namely, the one at Gallipolis and one at Wheeling, W. Va., and to establish, for convenience and economy and for the interest of the public service, one district in the place of those two at Point Pleasant, W. Va. Those are two of the changes made. No other places where there are such officers are affected in any way whatever. Now, there is one more change in the existing act, and that is the only other one. The Secretary of Commerce and Labor is authorized to pay \$1,600 annually instead of \$1,200 to some clerks to inspectors of hulls and boilers of steam vessels; and my information is—and I think I can assure the House that that is correct—that not more than four or five clerks can possibly be affected by this change; so that while the bill is long, because it repeats all the existing law as to the inspection districts already provided for, because of the inconvenience in point of language in expressing the changes intended in any other way, the changes are exceedingly few and very brief and in the interest of economy and the public service. I reserve the balance of my time.

Mr. BUTLER of Pennsylvania. Mr. Speaker—

The SPEAKER. Does the gentleman from West Virginia yield?

Mr. GAINES of West Virginia. I yield to the gentleman from Pennsylvania with pleasure.

Mr. BUTLER of Pennsylvania. How many of these inspectors are there in the United States?

Mr. GAINES of West Virginia. Mr. Speaker, I do not know how many inspectors there are in the United States. This bill makes so little change in existing law; this is so little in the nature of a complete act with reference to these inspectors, I have not given it any consideration.

Mr. BUTLER of Pennsylvania. Then, as I understand the gentleman from West Virginia, there is no change except in these three particulars?

Mr. GAINES of West Virginia. Only in the three particulars that I have named.

Mr. BUTLER of Pennsylvania. The other districts are not in any way disturbed or interfered with.

Mr. GAINES of West Virginia. The other districts are in no way disturbed by this act.

Mr. JENKINS. Mr. Speaker, I want to call the attention of the gentleman from West Virginia to line 17, page 3, where it speaks of the district of Superior, Mich. If that is an exact copy of the law, I may be mistaken with reference to it. Superior is not in Michigan, but in Wisconsin, and I desire to call the attention of the gentleman in charge of the bill to the apparent mistake. The word "district" may have relation to something else.

Mr. GAINES of West Virginia. What is the line?

Mr. JENKINS. Line 17. I do not know what is meant by the term "district," or what that is intended to include. On line 17, page 3, it speaks of district, Superior, Mich.

Mr. GAINES of West Virginia. Mr. Speaker, while I may be unable to explain just what that means in the law, I have the law here and have verified my statement, that the bill is in the language of the Revised Statutes to-day. I have my finger here on the place, if the gentleman from Wisconsin desires to look at it. I suggest to him that the service has been satisfactorily administered under the existing language, and the apparent objection that occurs to the gentleman from Wisconsin is probably not well founded.

Mr. JENKINS. I want to call the attention of the gentleman to the fact that Superior is not in Michigan.

Mr. GAINES of West Virginia. I am perfectly willing to admit that.

Mr. JENKINS. The gentleman from West Virginia is in charge of the bill, and I take it he can furnish the House with the necessary information, so that Members may be informed. I want to know what is included in the term "district" as applying to Superior, Mich.

Mr. GAINES of West Virginia. I do not know, Mr. Speaker.

Mr. JENKINS. I am satisfied. If the gentleman can not answer the question, I can not answer it myself.

Mr. GAINES of West Virginia. I would suggest that if a correction is needed it can be made hereafter somewhere.

Mr. JENKINS. I do not know just what this reference is—district Superior, Mich.

Mr. GAINES of West Virginia. I understand, Mr. Speaker, that it means the district of Lake Superior contiguous to Michigan.

Mr. JENKINS. Possibly.

Mr. GAINES of West Virginia. I do not know further than I have already explained. It is exactly the language under which the service has adequately been carried on.

Mr. JENKINS. I do not know what it is, and I wanted to know, and the gentleman is not able to inform me.

Mr. GAINES of West Virginia. I reserve the remainder of my time.

The SPEAKER. The gentleman reserves the remainder of his time.

Mr. CRUMPACKER. Mr. Speaker, if there is no Member of the House who desires to speak against this bill, I will reserve the balance of my time. I do not care to occupy any time against the bill.

Mr. GAINES of West Virginia. I ask for a vote, Mr. Speaker.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES.

Mr. SOUTHWICK. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 10501 as amended.

The SPEAKER. The gentleman from New York moves to suspend the rules, agree to the amendments, and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10501) to incorporate the National Education Association of the United States.

Be it enacted, etc., That the following-named persons, who are now the officers and directors and trustees of the National Educational Association, a corporation organized in the year 1886, under the act of general incorporation of the revised statutes of the District of Columbia, namely: Nathan C. Schaeffer, Eliphalet Oram Lyte, John W. Lamsinger, of Pennsylvania; Isaac W. Hill, of Alabama; Arthur J. Matthews, of Arizona; John H. Hinemon, George B. Cook, of Arkansas; Joseph O'Connor, Josiah L. Pickard, Arthur H. Chamberlain, of California; Aaron Gove, Ezekiel H. Cook, Lewis C. Greenlee, of Colorado; Charles H. Keyes, of Connecticut; George W. Twitmyer, of Delaware; J. Ormond Wilson, William T. Harris, Alexander T. Stuart, of the District of Columbia; Clem Hampton, of Florida; William M. Slaton, of Georgia; Frances Mann, of Idaho; J. Stanley Brown, Albert G. Lane, Charles I. Parker, John W. Cook, Joshua Pike, Albert R. Taylor,

Joseph A. Mercer, of Illinois; Nebraska Cropsey, Thomas A. Mott, of Indiana; John D. Benedict, of Indian Territory; John F. Riggs, Ashley V. Storm, of Iowa; John W. Spindler, Jasper N. Wilkinson, A. V. Jewett, Luther D. Whittemore, of Kansas; William Henry Bartholomew, of Kentucky; Warren Easton, of Louisiana; John S. Locke, of Maine; M. Bates Stephens, of Maryland; Charles W. Elliot, Mary H. Hunt, Henry T. Bailey, of Massachusetts; Hugh A. Graham, Charles G. White, William H. Elson, of Michigan; William F. Phelps, Irwin Shepard, John A. Cranston, of Minnesota; Robert B. Fulton, of Mississippi; F. Louis Soldan, James M. Greenwood, William J. Hawkins, of Missouri; Oscar J. Craig, of Montana; George L. Towne, of Nebraska; Joseph E. Stubbs, of Nevada; James E. Klock, of New Hampshire; James M. Green, John Enright, of New Jersey; Charles M. Light, of New Mexico; James H. Canfield, Nicholas Murray Butler, William H. Maxwell, Charles R. Skinner, Albert P. Marble, James C. Byrnes, of New York; James Y. Joyner, Julius Isaac Foust, of North Carolina; Pitt Gordon Knowlton, of North Dakota; Oscar T. Corson, Jacob A. Shawan, Wells L. Griswold, of Ohio; Edgar S. Vaught, Andrew R. Hickam, of Oklahoma; Charles Carroll Stratton, Edwin D. Reisler, of Oregon; Thomas W. Blacknell, Walter Bailou Jacobs, of Rhode Island; David B. Johnson, Robert P. Pell, of South Carolina; Moritz Adelbert Lange, of South Dakota; Eugene F. Turner, of Tennessee; Lloyd E. Wolfe, of Texas; David H. Christensen, of Utah; Henry O. Wheeler, Isaac Thomas, of Vermont; Joseph L. Jarman, of Virginia; Edward T. Mathes, of Washington; T. Marcellus Marshall, Lucy Robinson, of West Virginia; Lorenzo D. Harvey, of Wisconsin; Thomas T. Tynan, of Wyoming; Cassia Patton, of Alaska; Frank H. Ball, of Porto Rico; Arthur F. Griffiths, of Hawaii; C. H. Maxson, of the Philippine Islands, and such other persons as now are or may hereafter be associated with them as officers or members of said association, are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of the "National Education Association of the United States," and by that name shall be known and have perpetual succession with the powers, limitations, and restrictions herein contained.

SEC. 2. That the purpose and object of the said corporation shall be to elevate the character and advance the interests of the profession of teaching, and to promote the cause of education in the United States. This corporation shall include the National Council of Education and the following departments, and such others as may hereafter be created by organization or consolidation, to wit: The departments, first, of superintendence; second, of normal schools; third, of elementary education; fourth, of higher education; fifth, of manual training; sixth, of art education; seventh, of kindergarten education; eighth, of music education; ninth, of secondary education; tenth, of business education; eleventh, of child study; twelfth, of physical education; thirteenth, of natural science instruction; fourteenth, of school administration; fifteenth, the library department; sixteenth, of special education; seventeenth, of Indian education; the powers and duties and the number and names of these departments and of the National Council of Education may be changed or abolished at the pleasure of the corporation as provided in its by-laws.

SEC. 3. That the said corporation shall further have power to have and to use a common seal and to alter and change the same at its pleasure; to sue or to be sued in any court of the United States, or other court of competent jurisdiction; to make by-laws not inconsistent with the provisions of this act or of the Constitution of the United States; to take or receive, whether by gift, grant, devise, bequest, or purchase, any real or personal estate, and to hold, grant, convey, hire, or lease the same for the purposes of its incorporation, and to accept and administer any trust of real or personal estate for any educational purpose within the objects of the corporation.

SEC. 4. That all real property of the corporation within the District of Columbia, which shall be used by the corporation for the educational or other purposes of the corporation as aforesaid, other than the purposes of producing income, and all personal property and funds of the corporation held, used, or invested for educational purposes aforesaid, or to produce income to be used for such purposes, shall be exempt from taxation: *Provided, however,* That this exemption shall not apply to any property of the corporation which shall not be used for or the income of which shall not be applied to the educational purposes of the corporation: *And provided further,* That the corporation shall annually file with the Commissioner of Education of the United States a report in writing stating in detail the property, real and personal, held by the corporation, and the expenditure or other use or disposition of the same, or the income thereof, during the preceding year.

SEC. 5. That the membership of the said corporation shall consist of three classes of members—namely, active, associate, and corresponding—whose qualifications, terms of membership, rights, and obligations shall be prescribed by the by-laws of the corporation.

SEC. 6. That the officers of the said corporation shall be a president, twelve vice-presidents, a secretary, a treasurer, a board of directors, an executive committee, and a board of trustees.

The board of directors shall consist of a president, the first vice-president, the secretary, the treasurer, the chairman of the board of trustees, and one additional member from each State, Territory, or District, to be elected by the active members for the term of one year, or until their successors are chosen, and of all life directors of the National Educational Association. The United States Commissioner of Education, and all former presidents of the said association now living, and all future presidents of the association hereby incorporated, at the close of their respective terms of office, shall be members of the board of directors for life. The board of directors shall have power to fill all vacancies in their own body; shall have in charge the general interests of the corporation, excepting those herein intrusted to the board of trustees, and shall possess such other powers as shall be conferred upon them by the by-laws of the corporation.

The executive committee shall consist of five members, as follows: The president of the association, the first vice-president, the treasurer, the chairman of the board of trustees, and a member of the association, to be chosen annually by the board of directors, to serve one year. The said committee shall have authority to represent and to act for the board of directors in the intervals between the meetings of that body, to the extent of carrying out the legislation adopted by the board of directors under general directions as may be given by said board.

The board of trustees shall consist of four members, elected by the board of directors for the term of four years, and the president of the association, who shall be a member ex officio during his term of office. At the first meeting of the board of directors, held during the annual meeting of the association at which they were elected, they shall elect one trustee for the term of four years. All vacancies occurring in said board of trustees, whether by resignation or otherwise, shall be filled

by the board of directors for the unexpired term; and the absence of a trustee from two successive annual meetings of the board shall forfeit his membership.

SEC. 7. That the invested fund now known as the "Permanent fund of the National Educational Association," when transferred to the corporation hereby created, shall be held by such corporation as a permanent fund and shall be in charge of the board of trustees, who shall provide for the safe-keeping and investment of such fund, and of all other funds which the corporation may receive by donation, bequest, or devise. No part of the principal of such permanent fund or its accretions shall be expended, except by a two-thirds vote of the active members of the association, present at any annual meeting, upon the recommendation of the board of trustees, after such recommendation has been approved by vote of the board of directors, and after printed notice of the proposed expenditure has been mailed to all active members of the association. The income of the permanent fund shall be used only to meet the cost of maintaining the organization of the association and of publishing its annual volume of proceedings, unless the terms of the donation, bequest, or devise shall otherwise specify, or the board of directors shall otherwise order. It shall also be the duty of the board of trustees to issue orders on the treasurer for the payment of all bills approved by the board of directors, or by the president and secretary of the association acting under the authority of the board of directors. When practicable, the board of trustees shall invest, as part of the permanent fund, all surplus funds exceeding \$500 that shall remain in the hands of the treasurer after paying the expenses of the association for the previous year, and providing for the fixed expenses and for all appropriations made by the board of directors for the ensuing year.

The board of trustees shall elect the secretary of the association, who shall also be secretary of the executive committee, and shall fix the compensation and the term of his office for the period not to exceed four years.

SEC. 8. That the principal office of the said corporation shall be in the city of Washington, D. C.; *Provided,* That the meetings of the corporation, its officers, committees, and departments, may be held, and that its business may be transacted and an office or offices may be maintained elsewhere within the United States, as may be determined by the board of directors, or otherwise, in accordance with the by-laws.

SEC. 9. That the charter, constitution, and by-laws of the National Educational Association shall continue in full force and effect until the charter granted by this act shall be accepted by such association at the next annual meeting of the association and until new by-laws shall be adopted, and that the present officers, directors, and trustees of said association shall continue to hold office and perform their respective duties as such until the expiration of the terms for which they were severally elected or appointed, and until their successors are elected. That at such annual meeting the active members of the National Educational Association then present may organize and proceed to accept the charter granted by this act and adopt by-laws, to elect officers to succeed those whose terms have expired or are about to expire, and generally organize the "National Education Association of the United States," and that the board of trustees of the corporation hereby incorporated shall thereupon, if the charter granted by this act shall be accepted, receive, take over, and enter into possession, custody, and management of all property, real and personal, of the corporation heretofore known as the National Educational Association, incorporated as aforesaid under the Revised Statutes of the District of Columbia, and all its rights, contracts, claims, and property of every kind and nature whatsoever; and the several officers, directors, and trustees of such last-named association, or any other person having charge of any of the securities, funds, books, or property thereof, real or personal, shall on demand deliver the same to the proper officers, directors, or trustees of the corporation hereby created: *Provided,* That a verified certificate executed by the presiding officer and secretary of such annual meeting, showing the acceptance of the charter granted by this act by the National Educational Association shall be legal evidence of the fact, when filed with the recorder of deeds of the District of Columbia: *And provided further,* That in the event of the failure of the association to accept the charter granted by this act at said annual meeting, then the charter of the National Educational Association and its corporate existence shall be, and are hereby, extended until the 1st day of July, 1907, and at any time before said date its charter may be extended in the manner and form provided by the general corporation law of the District of Columbia.

SEC. 10. That the rights of creditors of the said existing corporation, known as the National Educational Association, shall not in any manner be impaired by the passage of this act, or the transfer of the property heretofore mentioned, nor shall any liability or obligation, or the payment of any sum due or to become due, or any claim or demand, in any manner, or for any cause existing against the said existing corporation, be released or impaired; and the corporation hereby incorporated is declared to succeed to the obligations and liabilities, and to be held liable to pay and discharge all of the debts, liabilities, and contracts of the said corporation so existing, to the same effect as if such new corporation had itself incurred the obligation or liability to pay such debt or damages, and no action or proceeding before any court or tribunal shall be deemed to have abated or been discontinued by reason of this act.

SEC. 11. That Congress may from time to time alter, repeal, or modify this act of incorporation, but no contract or individual right made or acquired shall thereby be divested or impaired.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I demand a second.

Mr. SOUTHWICK. I ask unanimous consent, Mr. Speaker, that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York is entitled to twenty minutes, and the gentleman from Massachusetts is entitled to twenty minutes.

Mr. SOUTHWICK. Mr. Speaker, this bill is intended to incorporate the National Education Association of the United States, and thereby change the title of the National Educational Association of the District of Columbia, the present title of the association. In other words, the primary object of the bill is to give the association a national title which will com-

port with its real character, inasmuch as the association embraces the forty-five States of the Union in its membership. That is the principal object of the bill.

Mr. SHACKLEFORD. Do you say that this association is already incorporated?

Mr. SOUTHWICK. It is already incorporated in the District of Columbia, under the law of the District of Columbia, as the National Educational Association of the District of Columbia.

Mr. TAWNEY. And the charter expired last February.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I desire to ask the gentleman a question.

Mr. SOUTHWICK. I yield to the gentleman.

Mr. BUTLER of Pennsylvania. What changes are made in this proposed law from the old law? Will you be kind enough to inform us?

Mr. SOUTHWICK. The association has already been incorporated in the District of Columbia, and this bill is intended to give it a national title by act of Congress. Instead of being the National Educational Association of the District of Columbia, it will be known as the "National Educational Association of the United States."

Mr. BUTLER of Pennsylvania. That is the only change between the old law and the proposed law?

Mr. SOUTHWICK. That is the only change, in this respect.

Mr. McCALL. I would like to ask the gentleman a question.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask for order; I would like to know what is going on over there.

Mr. McCALL. I would like to inquire whether this act or bill is not favored by the leading educators of the United States?

Mr. SOUTHWICK. The bill is certainly favored by the leading educators of the United States.

Mr. SULLIVAN of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULLIVAN of Massachusetts. I rise to ask for order, so that we may be able to know the question which the gentleman from Massachusetts has propounded. I would like to hear.

The SPEAKER. The House is in exceptionally good order.

Mr. McCALL. I inquired of the gentleman whether this legislation was not favored by the leading educators of the United States, and I understood him to say it was; and I wish to add that I have received a letter from President Eliot, of Harvard University, in which he expresses himself as strongly in favor of this bill.

Mr. SOUTHWICK. Mr. Speaker, I would state, for the information of the gentleman from Massachusetts, that the Committee on Education has received hundreds of letters and telegrams from all sections of the Union in favor of this bill, and that but a single discordant note has been heard, and that on the part of one lady from Chicago, who insisted on appearing before the committee and being heard. The committee gave the lady a full hearing of over two hours; and after having discussed her argument fully, the committee reported this bill unanimously to the House.

Mr. BUTLER of Pennsylvania. This is a unanimous report?

Mr. SOUTHWICK. Yes.

Mr. DALZELL. Does this involve any extension of the powers of the corporation?

Mr. SOUTHWICK. This does not involve any extension of the powers of the association, nor does it involve the Government of the United States in the expenditure of one dollar, directly or indirectly.

Mr. GRAHAM. I will just state, in corroboration of the gentleman from Massachusetts, that I have received a number of letters from leading educators in Pennsylvania, especially western Pennsylvania, favoring this bill.

Mr. SOUTHWICK. I dare say that almost every Member of this House has received letters or telegrams from his constituents in favor of this measure.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. SOUTHWICK. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. You say this association has been previously incorporated?

Mr. SOUTHWICK. Yes; for twenty years.

Mr. GAINES of Tennessee. Where?

Mr. SOUTHWICK. In the District of Columbia.

Mr. GAINES of Tennessee. Under the District laws?

Mr. SOUTHWICK. Under the District laws.

Mr. GAINES of Tennessee. Why do you want to incorporate it by a national law?

Mr. SOUTHWICK. It is proposed to reincorporate it.

Mr. GAINES of Tennessee. What is the matter with the present charter?

A MEMBER. It has expired.

Mr. SOUTHWICK. The purpose is that the association shall be reincorporated in the District of Columbia, but with a national title, in order to make the title of this association comport with its real nature.

Mr. GAINES of Tennessee. Why have you changed the name?

Mr. SOUTHWICK. The Committee on Education embraces a great deal of legal talent, but I myself am not a lawyer. During the four days' careful attention which we gave to the subject the room of the Committee on Education reminded me of the Supreme Court of the United States; and in order that the gentleman may be fully answered I will yield five minutes to my colleague from North Carolina [Mr. WEBB].

Mr. GAINES of Tennessee. The gentleman has gotten almost red in the face and seems a little unpleasant about his answers.

Mr. SOUTHWICK. Oh, no.

Mr. GAINES of Tennessee. "The gentleman from Tennessee" is a lawyer and is trying to ask some questions about your bill.

Mr. SOUTHWICK. Will the gentleman kindly refer his questions to the gentleman from North Carolina [Mr. WEBB], who is a lawyer?

Mr. GAINES of Tennessee. I will do so.

Mr. SOUTHWICK. I reserve the balance of my time.

Mr. WEBB. Mr. Speaker, I fear that several Members are frightened on account of the name of this association. I assure them that there is nothing unusual in this name. If you will look on page 3 of the bill you will find that these men, two from each State, "are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of the 'National Education Association of the United States.'"

Mr. SHACKLEFORD. What is the capital stock?

Mr. WEBB. There is no capital stock, not a share of it. It is purely an altruistic institution for the upbuilding of education in the United States. It is in no sense a commercial organization, but devoted entirely to disseminating education.

Mr. SHACKLEFORD. It has some regulations about contracts and also the right to sue and be sued.

Mr. WEBB. Yes. We could not well incorporate it without granting this power, which every corporation whether State or national has.

Mr. SHACKLEFORD. And its property is to be exempt from taxation in certain places.

Mr. WEBB. Yes; in the District of Columbia only.

Mr. SHACKLEFORD. Is it contemplated to hold property outside of the District of Columbia?

Mr. WEBB. They can hold it by donation or gift.

Mr. SHACKLEFORD. And wherever they do hold it it is to be absolutely exempt from any State or local taxes?

Mr. WEBB. No; it is only free from taxation in the District of Columbia. We would have no right to attempt to exempt it from taxation elsewhere, and hence we do not in this bill. Its property in each State is subject to the tax laws of the States, but many States do not tax property held for educational purposes.

Mr. SHACKLEFORD. Why could they not become incorporated under the District laws as they now are?

Mr. WEBB. They could.

Mr. SHACKLEFORD. Under the same name they now have?

Mr. WEBB. Yes.

Mr. SULLIVAN of Massachusetts. If I may interrupt the gentleman, I will say for the information of the gentleman from Missouri that it is incorporated now under the laws of the District of Columbia.

Mr. WEBB. Mr. Speaker, I can not yield my time to the gentleman from Massachusetts, who has twenty minutes of his own, when I have only five. The gentleman from Massachusetts has twenty minutes, and he will make himself clearly understood in that time, I have no doubt.

Mr. HENRY of Texas. What is the caption of this corporation?

Mr. WEBB. The National Education Association of the United States.

Mr. HENRY of Texas. Is it authorized to do business outside of the District of Columbia—in other words, is it a District of Columbia corporation, or a corporation intended to operate and be effective beyond the limits of the District of Columbia?

Mr. WEBB. It is a corporation with the same rights and powers and duties as if it were incorporated under the laws of the District of Columbia or any State.

Mr. HENRY of Texas. Then it is authorized to go beyond the confines of the District of Columbia and do business outside of the District?

Mr. WEBB. Most assuredly so. State corporations have

this power also. It is a corporation or association of about 2,000 educators from all over the United States.

Mr. HENRY of Texas. We have had this question before us, and we have restricted corporations to the District of Columbia; and looking up the precedents we found that that was the uniform practice, except with reference to two or three corporations which had slipped through without discovery.

Mr. WEBB. Congress has passed a bill incorporating the Carnegie Institute, almost on all fours with this, and to incorporate a General Educational Association, almost similar in every respect to this. This was done in the Fifty-eighth Congress. Now, Mr. Speaker, we give to this association no more powers than any State would give or the District of Columbia would give. The only addition or advantage that our incorporation here gives is to add the prestige to it of having been incorporated by Congress. It is such a distinguished body of educators, composed of leading men all over the United States and thousands of teachers, it is simply an act of courtesy that Congress should pass this bill.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. WEBB. I will.

Mr. GAINES of Tennessee. Will that deprive some other association of educators from being incorporated under the same name?

Mr. WEBB. Not at all. Oh, they could not take the same name—that is, the identical name.

Mr. GAINES of Tennessee. Exactly; that is the objection to their taking the words "United States." That is what I am getting at.

Mr. WEBB. Who would want to take the same name? If you should incorporate under the laws of the District of Columbia, it would have the same effect so far as infringing on the name is concerned. No corporation can take another's name from it. You can have the same powers, but not the same name; but this act does not prevent the use of the words "United States" in connection with the name of any other educational organization or association.

Mr. GOLDFOGLE. Will the gentleman yield for a question?

Mr. WEBB. I will.

Mr. GOLDFOGLE. Why do you not incorporate under the general laws of the District of Columbia?

Mr. WEBB. Why did not the Carnegie Institute incorporate under the general law of the District?

Mr. GOLDFOGLE. What is the object of a special charter for this institution?

Mr. WEBB. Nothing except to give the association the added prestige which comes from Congressional incorporation. It is entitled to it. It is composed of educators throughout the United States, and it is a national association in the scope and character of its work and membership.

Mr. GOLDFOGLE. What special powers are given to them?

Mr. WEBB. None. This body of 2,000 educators met two years ago and asked that this charter be given by this Congress. They want the charter from Congress in order to give them the added prestige.

Mr. GOLDFOGLE. Wouldn't they get the prestige necessary if they incorporated under the laws of the District of Columbia; and wouldn't they stand just as well as any other corporation under the general laws?

Mr. WEBB. They do not think so; they would have the same power, but not the same prestige; and this is the only institution of its kind in America. The incorporators are leading educators from every State in the Union; its membership is composed of teachers in every State.

Mr. SHACKLEFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHACKLEFORD. Is it too late for me to raise the point of order against this bill, that it has been reported from the wrong committee?

The SPEAKER. This is a motion to suspend the rules and pass the bill. It would not be in order for the gentleman to make the point at this time.

Mr. WEBB. Now, Mr. Speaker—

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. SOUTHWICK. I yield the gentleman from North Carolina two minutes more.

Mr. WEBB. As I said, Mr. Speaker, this organization is composed of the heads of universities, North and South, East and West, and the heads of other great colleges, and thousands of earnest teachers, and every one of these members, excepting about fifteen, ask this Congress to pass this bill. There is one person, whose name will no doubt appear in this discussion later, who has caused most of the opposition and made the objection

to this bill. They want to scare Democrats and mislead Republicans by saying that the name is something that does not sound well, when, actually, there is no more power given in the charter than they could get from New Jersey, or North Carolina, or any other State.

Mr. GOLDFOGLE. Is there not a special power given to acquire and dispose of property?

Mr. WEBB. No. I want to say that the Committee on Education considered this bill patiently for four days and considered it carefully. We amended it where we thought it ought to be amended, and we brought in a unanimous report. The committee heard all this opposition that is made to the bill, and had before it the person who is responsible for the fight that is now being made against the measure.

The bill is almost an exact copy of the charter under which this organization has operated and existed for twenty years, and we provide in this bill that it shall not be effective until the present association shall adopt it at an annual meeting. Can you suggest a fairer provision? Here are some letters from distinguished educators of the South urging the passage of the bill. You have heard from the North. Here is one from the University of Virginia, President Alderman; from the University of North Carolina, President Venable; from the Agricultural and Mechanical College at Raleigh, N. C., Doctor Winston, and a handful of other letters from other teachers and educators. This society is an educational institution purely national in its scope. All they ask is to give it the prestige of passing a bill for its incorporation by Congress.

Mr. SHACKLEFORD. Mr. Speaker, is it subject to amendment—that charter?

Mr. WEBB. Why, certainly. Congress can amend it any time.

Mr. GOLDFOGLE. Will the gentleman from North Carolina kindly refer to the provision that authorizes a modification?

The SPEAKER. The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I see no reason why this bill should not pass.

Mr. SOUTHWICK. Mr. Speaker, I will ask that the opposition consume some of its time now.

Mr. GOLDFOGLE. Mr. Speaker, I would like to ask the gentleman from New York a question.

The SPEAKER. Does the gentleman yield?

Mr. SOUTHWICK. No.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, in ten minutes' debate I have not heard in Congress so much misinformation as I have heard in the last ten minutes. We have been told solemnly by the gentleman from New York [Mr. SOUTHWICK] and the gentleman from North Carolina [Mr. WEBB] that there are no changes in the charter of this corporation from the provisions of the existing charter. Why, Mr. Speaker, if any Member of the House would take the pains to examine the old charter and compare it with this, he would not have the hardihood to get up on this floor and state that there are no changes. We have all received letters concerning this bill and the letters which I received are based upon the ground that the charter should be changed in order to give to the board of trustees complete control over the investment of the permanent fund. There is a change that is admitted by the proponents of the bill. Now, Mr. Speaker, there is absolutely nothing that may be secured by this bill that can not be secured by an amendment of the existing articles of incorporation. The statements made by the gentlemen who are in charge of this bill, though made in good faith no doubt, are misleading in the extreme.

Mr. WEBB. Mr. Speaker, will the gentleman permit an interruption?

Mr. SULLIVAN of Massachusetts. Not just now; later on. Why, I had to smile when the gentleman from New York [Mr. SOUTHWICK] blandly stated that the primary object of this bill was to change the title, to give the association the prestige of the name of the National Education Association of the United States. There was no need to bring a bill before Congress in order to change that title. They could change that title under existing laws.

But let me give the House a little history of this bill. In the first place, there was a movement to prolong the life of the association. It was chartered as a corporation under the laws of the District of Columbia for twenty years. Those twenty years expired on the 26th day of February last. Therefore the members of the association, in meeting assembled, empowered the directors to recommend such changes as were necessary—now, mark the words, "as were necessary"—and for what? To continue the life of the existing association. In the original authorization there was not the delegation of a single power beyond that one—namely, to prolong the life of this association. The bill was brought before this body. It was subjected to the usual

delays. The 26th of February passed. The charter was not granted by Congress, and the corporation then did all that it needs for its protection—namely, filed with the District of Columbia a certificate extending their articles of incorporation. They may go on for twenty years longer. They may change their title so as to obtain the title which they have by this act of Congress. They may change their charter if they please. They may change their constitution. They may change their by-laws by calling a meeting of the members of this association in a democratic way and submitting proposed changes to those members and then allowing the majority to rule. But the object of this bill is to prevent a majority from ruling. Who are the members of the National Education Association of the United States? President Eliot alone? President Nicholas Murray Butler alone? Not at all. They are made up of the rank and file of the teachers, male and female, of these United States, those who are charged with the responsible duty of educating the youth of the land. Who puts up the money for this corporation?

Mr. TAWNEY. Mr. Speaker, will the gentleman permit an interruption?

Mr. SULLIVAN of Massachusetts. Not now. Who puts up the money? The college presidents? Not at all. The teachers of the United States put up practically every dollar that goes into the coffers of this association.

Mr. TAWNEY. Now will the gentleman yield?

Mr. SULLIVAN of Massachusetts. I will not yield until later, when I will indicate a readiness to do so. Later on I will yield. Now, the money that furnishes the bone and sinew of the corporation is collected from the dues of the tens of thousands of teachers of the United States. It is true there are donations from philanthropic persons, but they do not make up the bulk of the money that is in the treasury of this corporation. Mr. Speaker, it is now proposed to vest in the board of trustees practically absolute power over the affairs of this corporation. They have practically absolute control over the expenditure of the permanent fund and of the current funds. They are directed to place all surplus funds, except \$500 a year, in this permanent fund. The people who compose this association, if this charter goes through, will not have the power to direct the expenditure of one single dollar of the funds to which they contribute. The entire fund is placed in absolute control of the board of directors and the trustees of this national educational trust, for that is just exactly what this is, Mr. Speaker. Now, they say there are no changes. Why, the very body, the principal constituent of this corporation, was the National Council of Education. Now, under the old charter that National Council of Education was a department of the main body, subject to the rules of the main body, subject to the control of the voting members of that body in meeting assembled. This proposed charter takes the National Council of Education out of the control of the national body and practically makes it an independent body. It is no longer under this charter a department of the National Education Association.

Mr. WILLIAMS. Will the gentleman yield?

Mr. SULLIVAN of Massachusetts. In just two or three minutes.

Mr. WILLIAMS. I was going to add this: Not only an independent body, but a self-perpetuating body.

Mr. SULLIVAN of Massachusetts. Precisely. Now, Mr. Speaker, five hours' argument will not make the proposition plainer than in the hands of these five trustees are to be placed the moneys of the teachers of the United States and the control in a large measure of the progress of education itself in the United States. How may it affect education, some Member may ask? Let me tell you the powers of the national council under this charter. The national council shall have for its object the consideration and discussion of educational questions of public and professional interest. Now, what does that power mean, gentlemen? It means that the discussion of the leading educational questions before the country will be confined practically to the channel which the national council of education prescribes. Now take the next power. It shall also decide suitable subjects for investigation and research and a recommendation of the amount of appropriations that should be made for such purposes. Not only will they determine the scope of the discussion of questions relating to education, but if research must be made they have the power to give or withhold appropriations in the execution of that design. What else? The appointment and general supervision of such special committees of investigation as may be provided for and authorized by the board of trustees of the association, and furthermore the power of disposition of all reports by such special committees of research and the annual preparation and presentation to the

association at its annual convention of the report on educational progress during the past year.

What does that mean? The report of a national educational association submitted every year is a guide to the teachers all over these United States for their reading, their discussion, their study in the ensuing year, and this board has absolute power to determine what shall go into that report and what shall not go into that report; what may be discussed at its meetings and what may not be discussed at its meetings; what subjects may be investigated and what subjects shall be excluded from investigation. Now, those are the powers, and the board of trustees, as I have stated, have almost complete power over the disposal of the funds of this association. If any members of that association at its annual meeting would like to have some money, their own money, expended in a particular way, I say to you Members of this House they are powerless to do so under the charter which you propose to thrust upon the teachers of the United States. Oh, I know the teachers are voiceless; they have no heads of colleges to speak for them; they have no presidents of universities to lend the prestige of their great names to influence the judgment and action of Members of this House. They are voiceless because they live on salaries; they are dependent upon the good will of the superintendents of education over this land, of the supervisors, who are controlled by the leading educators, and while a great many of them protest against this charter they do it silently. They dare not do it publicly for fear of incurring the displeasure of the men who sit in power and judgment over them, the superintendents and superintendents of education in the several cities and towns of the land.

Mr. WEBB. Will the gentleman permit an interruption in that connection?

Mr. SULLIVAN of Massachusetts. Not just now; later I will. Mr. Speaker, may I ask how much time I have remaining? I want to leave some time to answer queries.

The SPEAKER. The gentleman has eight minutes remaining.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I will ask that I be kindly informed when I have four minutes left, as I desire to reserve that time for inquiries.

Now, how is this board of trustees chosen? Why, gentlemen, when you think of the tremendous powers that are to be exercised by such a board—practically absolute powers—you would conclude at once that they were selected in some manner which would make them truly representative of the main body. You would suppose that they were fairly representative of the members of the association, and that they were selected by democratic methods; but precisely the opposite is the fact in this case. I will find here in a few moments how these trustees are chosen.

The board of trustees—

Now, mark this, gentlemen, because it is an extremely important matter, and I fear that some gentlemen may be influenced in their judgment by the magic of the great names which have been paraded before the House; so that it becomes important to have a statement of facts to know the character of the bill we are passing upon.

The board of trustees shall consist of four members, elected by the board of directors for the term of four years, and the president of the association—

Not elected by the association, but by the board of directors, for the term of four years—

and the president of the association, by virtue of his office, shall make the fifth member.

That is the board of trustees, not selected in any democratic way, not by any fair rule of selecting representative agents, but by the action of the board of directors alone. Can you devise, can ingenuity devise, a better means of perpetuating control of the funds of the teachers of the United States or the business which will come before them for discussion and action?

Now, Mr. Speaker, the board of directors is a well-intrenched body, too. You would expect that the board of directors, which has the selection of the governing agents of the association, namely, the board of trustees, would at least be controlled by the association; but it is not under this charter. Why? Because it is loaded up with the deadwood of the past; because there are provisions in this bill which make directors for life of certain gentlemen who are named in the bill.

The SPEAKER. The gentleman's four minutes have arrived.

Mr. SULLIVAN of Massachusetts. Under this bill the board of directors shall consist of a president, the first vice-president, the secretary, the treasurer, the chairman of the board of trustees (who, by the way, as a member of the board of

directors helps elect himself a trustee), and of all life directors of the National Educational Association.

Then, the United States Commissioner of Education is made a member, "and all former presidents of the association" now living are made members "and all future presidents of the association." So that there will always be a body of old directors, sufficient in number to control the action of the board of directors. Remember that; and that the board of directors, which is not truly representative, selects four of the five trustees, who are also not representative, but who control the expenditure of every dollar of the funds and practically the exercise of every function of the association. Now, I will yield to the gentleman from North Carolina.

Mr. WEBB. Is the copy of the bill the gentleman is reading from the present bill?

Mr. SULLIVAN of Massachusetts. It is.

Mr. WEBB. Does he not know that it is an exact copy of the charter of the association, under which they have been operating for twenty years? We refer to it because the board of directors are given power to select the board of trustees.

Mr. SULLIVAN of Massachusetts. The board of trustees are given new powers under this charter, and the gentleman from North Carolina knows it. He knows that the board of trustees is given power that it has never before had, which gives them control of the permanent fund of the association.

Mr. FITZGERALD. What is the permanent fund of the association?

Mr. SULLIVAN of Massachusetts. It is made up of all donations, together with accretions from time to time, and all savings from current funds. The current funds are made up principally from the general membership fees and dues of teachers of the United States.

Mr. FITZGERALD. Does the gentleman know what it amounts to at the present time?

Mr. RYAN and Mr. WEBB rose.

The SPEAKER. To whom does the gentleman yield?

Mr. SULLIVAN of Massachusetts. I yield to the gentleman from New York [Mr. RYAN].

Mr. RYAN. I have received information that there is some \$150,000 at present in the fund. Under this bill, if it is enacted into law and this incorporation granted, will this new board of trustees have control over the expenditure of that money?

Mr. SULLIVAN of Massachusetts. Yes. They will have more power than they now have. Now, Mr. Speaker, I will go on a little further.

Mr. WEBB. I should like to interrupt the gentleman right on this point.

The SPEAKER. Does the gentleman yield?

Mr. SULLIVAN of Massachusetts. In a moment. One of the reasons for objecting to this charter is this: That to-day any book agent or the agent of any publisher may be a voting member of this association. This association has the power to discuss courses of study. Their suggestions are frequently followed in the United States, so that indirectly they have the power to direct what books shall be used in the public schools; and a few years ago the Boston agent of the American Book Company was the president of the National Council of Education. There is a power—one which gentlemen may pay some attention to—that is significant in the extreme.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. SULLIVAN of Massachusetts. I will.

Mr. TAWNEY. You stated a moment ago in reply to the gentleman from New York that the board of trustees had complete control over the expenditure of this fund. Now, I will ask the gentleman if this is not the fact, that they do not have any control over the expenditure of the permanent fund, but only over the expenditure of the income?

Mr. SULLIVAN of Massachusetts. Will the gentleman find it for me in the bill, if he is so sure?

Mr. WEBB. I will find it.

Mr. TAWNEY. The member of the committee in the rear of the gentleman from Massachusetts [Mr. WEBB] can point to the particular paragraph.

Mr. WEBB. It requires two-thirds of the active members to vote for it before one penny of it shall be expended.

Mr. SULLIVAN of Massachusetts. I did not say anything different from that.

Mr. WEBB. Oh, yes.

Mr. TAWNEY. You said that the permanent fund would be expended by the trustees.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I insist that I was right. I say that the association has no power to decide what expenditures shall be made. When the directors recommend to the trustees the expenditure of part of the principal

of the permanent fund it is then that the members have the power, by a two-thirds vote of those present, to sanction that precise expenditure, but neither two-thirds nor four-fifths nor nine-tenths nor all the members of the association except these chosen few have the power to originate any scheme for the expenditure of a single dollar of the fund.

I insert as a part of my remarks section 7 of the bill, which proves that the members have no power whatever to direct how their money shall be spent, but only the power to accept or reject the particular plan proposed by the trustees. It shows also that the members have not even the power of ratification or rejection of expenditures of income.

Sec. 7. That the invested fund now known as the "Permanent fund of the National Educational Association," when transferred to the corporation hereby created, shall be held by such corporation as a permanent fund and shall be in charge of the board or trustees, who shall provide for the safe-keeping and investment of such fund, and of all other funds which the corporation may receive by donation, bequest, or devise. No part of the principal of such permanent fund or its accretions shall be expended, except by a two-thirds vote of the active members of the association, present at any annual meeting, upon the recommendation of the board of trustees, after such recommendation has been approved by vote of the board of directors, and after printed notice of the proposed expenditure has been mailed to all active members of the association. The income of the permanent fund shall be used only to meet the cost of maintaining the organization of the association and of publishing its annual volume of proceedings, unless the terms of the donation, bequest, or devise shall otherwise specify, or the board of directors shall otherwise order. It shall also be the duty of the board of trustees to issue orders on the treasurer for the payment of all bills approved by the board of directors, or by the president and secretary of the association acting under the authority of the board of directors. When practicable, the board of trustees shall invest, as part of the permanent fund, all surplus funds exceeding \$500 that shall remain in the hands of the treasurer after paying the expenses of the association for the previous year, and providing for the fixed expenses and for all appropriations made by the board of directors for the ensuing year.

The board of trustees shall elect the secretary of the association, who shall also be secretary of the executive committee, and shall fix the compensation and the term of his office for a period not to exceed four years.

The SPEAKER. The gentleman from New York has seven minutes remaining.

Mr. SOUTHWICK. Mr. Speaker, I yield four minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD. Mr. Speaker, the gentleman from Massachusetts has made a vigorous assault on this bill. In the limited time that I have I desire to explain the bill as I understand it and to answer some of the questions that have been asked by Members of this House.

In the first place, this is not a general Federal corporation, but is a corporation of the District of Columbia. This will be found in lines 15, 16, and 17, which read as follows:

And such other persons as now are or may hereafter be associated with them as officers or members of said association are hereby incorporated and declared to be a body corporate of the District of Columbia.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. FLOYD. Yes.

Mr. PADGETT. Are they limited to the transaction of business in the District of Columbia?

Mr. FLOYD. As far as their corporate existence is concerned they are limited just like any other District of Columbia corporation.

Mr. PADGETT. Limited in their name?

Mr. FLOYD. No, in their functions; just the same as any other District of Columbia corporation incorporated under the general laws of the District of Columbia. They have just that much power, and no more.

Mr. PADGETT. Yes; exactly so. They have the power to go anywhere.

Mr. FLOYD. Now, in regard to another objection made by the distinguished gentleman from Massachusetts, he insists that the board of trustees have power over this permanent fund. I desire to submit that the funds are safeguarded better under this incorporation than they are under the original charter obtained under the general incorporation law of the District of Columbia, for in section 6, beginning with line 24, it is provided—

No part of the principal of such permanent fund or its accretions shall be expended except by a two-thirds vote of the active members of the association present at any annual meeting, upon the recommendation of the board of trustees, after such recommendation has been approved by vote of the board of directors, and after printed notice of the proposed expenditure has been mailed to all active members of the association.

Mr. WILLIAMS. Mr. Speaker, I want to ask the gentleman why it was that this charter was not procured in the regular way under the general law for incorporation in the District of Columbia, if there is nothing in it except a District of Columbia charter?

Mr. FLOYD. In answer to that question I will say that I know nothing as to the motives except at the last annual meet-

ing of the National Educational Association, at Chicago, they brought up the proposition before that meeting, where there were over 400 delegates, to submit this charter to Congress and ask Congress to pass it. That was voted upon and carried by a large majority. Then the friends of the movement came before our committee and submitted this bill. We modified and changed the bill very much in form. Originally it was a general Federal corporation, and we changed it and made it a corporation of the District of Columbia. It gave the National Council of Education enlarged powers, and we changed and limited the National Council of Education so as to make it subject to control the same as the other departments named. We modified the bill in such a way that we considered there was no objection to it.

In that connection I will say that many educators throughout the land—superintendents of public instructions—almost overwhelmed the committee with letters and telegrams asking us to pass this bill. The opposition all came from Chicago. One lady, who is a teacher in Chicago, protested against it, and asked to be heard. We permitted her to come before the committee and gave a hearing lasting two hours, heard all the objections she urged, and amended the bill to meet valid objections, and if there are any objections besides what she made they have not reached my ears, until the gentleman from Massachusetts [Mr. SULLIVAN] on the floor of the House opposed the passage of the bill.

Mr. SOUTHWICK. Mr. Speaker, I yield two minutes to the gentleman from Minnesota.

Mr. SULLIVAN of Massachusetts. Will the gentleman let me ask him a question in reply to the one that was asked me as to the control of the funds?

Mr. TAWNEY. I can not yield in the short time I have.

Mr. SULLIVAN of Massachusetts. I have no more time.

Mr. TAWNEY. I can not yield. I want to say a word. I think the gentleman from Massachusetts is unnecessarily wrought up about the provisions of this bill. He insinuates that the men at the head of the organization through this bill seek an unfair advantage of the less prominent members. He speaks about the permanent fund that has been accumulated from the contributions paid by the teachers of the United States belonging to this organization. The gentleman says that under the provisions of this bill that fund may be disposed of at any time by the board of trustees. This is the mere assertion, sir, of the gentleman from Massachusetts [Mr. SULLIVAN]. It is not founded in fact. One of the primary objects of this bill is to protect this fund and to make it a permanent fund, a fund that can not be encroached upon or disposed of by any member or officer of the organization for any purpose whatsoever.

Mr. GOLDFOGLE. Mr. Speaker—

Mr. TAWNEY. I decline to yield. No man who has read the bill can say that that is not a fact. The only part of the fund that can be disposed of in the discretion of the trustee or other officers of the organization is the accumulations resulting from the investment of this fund, and that can be expended only for purposes authorized by this association.

Mr. SULLIVAN of Massachusetts. Oh, the gentleman knows that he is mistaken about that.

Mr. TAWNEY. The purpose is, I repeat, to protect the fund and to encourage not only members of the organization, but to encourage men of means interested in the work of this organization to contribute to this fund, thus enabling the organization to carry on the important work it is engaged in. This will be accomplished, Mr. Speaker, by the enactment of this bill making it impossible for those who in the future may control the organization from in any way interfering with or disposing of this fund without first securing an act of Congress authorizing it. This question was carefully considered at the last annual meeting of the National Educational Association at Asbury Park. At that meeting last summer this matter was discussed and acted upon by more than 800 teachers. Eight hundred of whom acted in favor of reincorporation upon the terms of this bill, and only 15 voted against it. This organization has a membership of more than 15,000, and the infinitesimal number opposed to this reorganization now seek through the gentleman from Massachusetts, the home of education, to prevent the accomplishment of that which is deemed essential to its future growth and increased usefulness.

Mr. Speaker, the secretary of the National Educational Association, Mr. Irwin Shepard, is my neighbor and personal friend. He has devoted the best part of his life to the upbuilding of this organization. He took hold of that work when the organization was in its infancy, and has built up a national educational institution which is not only the pride of every American interested in national education but an educational organization unexcelled by any nation in the world. I may be pardoned,

therefore, if I resent, to some extent, the insinuation of the gentleman from Massachusetts [Mr. SULLIVAN] that the men behind this bill are actuated by selfish or improper motives, or that they have any intention or desire to take advantage of any member of the association however humble that member may be.

Mr. BUTLER of Pennsylvania. Were the provisions of this bill discussed at the meeting referred to by the gentleman from Minnesota?

Mr. TAWNEY. The identical provisions in the bill were discussed and adopted. The constitution and by-laws under which the association has existed for twenty years are incorporated in this bill, with the added security to the permanent fund.

Mr. WILLIAMS. It did not exist for twenty years under the authority of Congress, by a charter of Congress.

Mr. TAWNEY. Oh, yes. The law under which the association was incorporated was enacted by Congress.

Mr. WILLIAMS. Why didn't they go to New York?

Mr. SOUTHWICK. Mr. Speaker, I now yield thirty seconds to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER of Pennsylvania. Mr. Speaker, the class of teachers for whom the gentleman from Massachusetts speaks—the common-school teachers—have sent requests here by the thousands in favor of this bill. My constituents visited this meeting spoken of by the gentleman from Minnesota, and there they understood the purpose of this bill, because they discussed and heard it discussed, and, returning, made their wishes known to Congress and the Members of this House. While I know but little about the different provisions of the bill—and if I did, have not the opportunity to discuss them—these intelligent people who have memorialized Congress should have their express wishes complied with, and I shall vote for their bill and am gratified to have the chance.

Mr. SOUTHWICK. Mr. Speaker, I admire the chivalry and eloquence of the gentleman from Massachusetts. He stands up here on the floor of the House as the sole opponent of this bill. He is eloquent, we will all admit, and chivalrous because he stands up here representing the lady who was the only opponent of the bill before the Committee on Education. We devoted five hearings to this bill, all differences were reconciled and harmonized, and this bill comes before the House with the unanimous report from the Committee on Education.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask unanimous consent that debate may extend ten minutes longer. I believe there has been a great deal of misrepresentation in regard to the provisions of this bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the debate be extended for ten minutes. Is there objection?

Mr. GRAHAM. I object. The gentleman took ten minutes' time for an explanation and wouldn't answer a question.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask unanimous consent for sufficient time to read section 7, which exposes the power of the board of trustees, and surely the gentleman will not object to that proposition.

The SPEAKER. The gentleman is not in order.

Mr. SULLIVAN of Massachusetts. I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

Mr. GRAHAM. I object, Mr. Speaker; the gentleman would not reply when we asked him questions.

Mr. WILLIAMS. I call for the regular order, Mr. Speaker. The gentleman from Pennsylvania has a right to object, but not to speak on his objection.

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules, agree to the amendments, and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. SULLIVAN of Massachusetts) there were—ayes 140, noes 37.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-one gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

INSANE ASYLUM, TERRITORY OF OKLAHOMA.

Mr. COLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13675) to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma and providing for the establish-

ment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations therefor, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act of the legislative assembly of the Territory of Oklahoma, entitled "An act accepting the offer made by Congress to the Territory of Oklahoma, granting to such Territory the use of Fort Supply Military Reservation and the buildings thereon for the purpose of an insane asylum for the Territory of Oklahoma, and providing for the care of the insane of the Territory of Oklahoma," approved March 1, 1905, be, and the same is hereby, in all things ratified, approved, and confirmed, and that section 14 of an act of the legislative assembly of the Territory of Oklahoma, entitled "An act making appropriation for current expenses of the Territory of Oklahoma for the years 1905 and 1906, and for deficiency appropriations and for miscellaneous purposes," approved March 11, 1905, be, and the same is hereby, in all things ratified, approved, and confirmed.

The SPEAKER. Is there objection to the present consideration of the bill just reported? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. COLE, a motion to reconsider the last vote was laid on the table.

FIELD GUNS AND EQUIPMENT FROM CONNECTICUT.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4111) to authorize the Chief of Ordnance, United States Army, to receive four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Chief of Ordnance, United States Army, is hereby authorized and empowered to receive back from the State of Connecticut the four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining material, which were sold to the State by the Ordnance Department for the sum of \$12,405.08 on July 20, 1901.

Sec. 2. That no part of the value of this material shall be paid to the State of Connecticut, but the whole amount received from the sale thereof to the State shall stand as a credit to the quota of the State, the same as though allotted from the annual appropriations under the provisions of section 1661, Revised Statutes, as amended, and subject to all the conditions thereof.

Sec. 3. That the sum of \$12,405.08 is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect.

The SPEAKER. Is there objection to the present consideration of the bill just reported? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The question was taken; and the bill was ordered to be read the third time, read the third time, and passed.

On motion of Mr. CAPRON, a motion to reconsider the last vote was laid on the table.

EXTENSION OF REMARKS.

Mr. SOUTHWICK. Mr. Speaker, I ask unanimous consent that Members be allowed to extend their remarks in the RECORD on the bill (H. R. 10501) to incorporate the National Educational Association of the United States.

The SPEAKER. The gentleman from New York asks unanimous consent that Members may extend their remarks on the bill to incorporate the National Education Association of the United States. Is there objection?

Mr. SULLIVAN of Massachusetts. Mr. Speaker, reserving the right to object, why does the gentleman want to have Members extend their remarks on this bill?

Mr. SOUTHWICK. There were some Members of the committee who could not secure time to speak who were anxious to speak.

Mr. SULLIVAN of Massachusetts. Simply to present the views of the committee?

Mr. SOUTHWICK. To present their individual views.

Mr. SULLIVAN of Massachusetts. I have no objection.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects.

Mr. STERLING. Mr. Speaker, I ask unanimous consent that Members be permitted to extend their remarks on the employers' liability bill, passed early this afternoon, for five legislative days.

The SPEAKER. The gentleman from Illinois asks unanimous consent that Members be permitted to extend their remarks on the employers' liability bill for five legislative days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

RECORDER OF DEEDS, ETC., OSAGE INDIAN RESERVATION, OKLA.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17220) providing for a recorder of deeds, etc., in the Osage Indian Reservation, in Oklahoma Territory, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Osage Indian Reservation, in Oklahoma Territory, be, and the same is hereby, declared to be a recording district for the purpose of recording and filing deeds, mortgages, and other instruments in writing affecting property within said reservation. The Secretary of the Interior is hereby authorized and directed to appoint a suitable person as said recorder, whose office shall be located at the town of Pawhuska, on said reservation. As compensation for services the said recorder is hereby authorized to retain the fees legally collected by him for the recording of deeds, etc., up to and including the sum of \$1,800 per annum, and the fees shall be the same as are charged for like service in other recording districts in said Territory. If the receipts of said office exceed the said sum of \$1,800, the said excess shall be turned into the Treasury of the United States. This act shall not be construed to in any way obligate the Government to pay the said recorder any deficiency below the sum of \$1,800 yearly.

Sec. 2. That all deeds, papers, and other instruments recorded by said recorder in the Osage Nation shall have the same effect, legally or otherwise, as if recorded in the recording office of any regularly organized county in the Oklahoma Territory.

With the following amendments:

In line 5, page 1, after the word "filing," add the word "such."

In line 6, page 1, after the word "writing," add the following: "as are authorized by the laws of Oklahoma."

Strike out the following words in lines 7, 8, and 9, to wit: "the Secretary of the Interior is hereby authorized and directed to appoint a suitable person as said recorder, whose office shall be located at the town of Pawhuska, on said reservation," and insert in lieu thereof "and the deputy clerk of the district court located at the town of Pawhuska, on said reservation, shall be ex officio recorder of deeds."

In line 12, page 1, strike out the words "so forth" and insert in lieu thereof the words "other instruments."

In line 14, after the word "fees," insert the words "collected by him."

In line 1, page 2, after the word "Territory," add "said recorder shall make monthly reports to the Secretary of the Interior of the fees collected by him, and said Secretary is hereby authorized to use such part of said fees as may be needed for the purchase of records, books, supplies, and expenses of said office."

In line 12, page 2, after the word "Territory," add the following proviso at the end of section 2: "Provided, That this act shall become inoperative when the Osage Reservation shall become an organized county of Oklahoma, and all records shall be turned over to the proper county officers whenever such county is organized."

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire the necessity for the recorder of deeds where there can be no deeds executed?

Mr. CURTIS. Mr. Speaker, this bill makes the Osage Indian Reservation, in Oklahoma, a recording district for the purpose of recording deeds, mortgages, and other instruments in writing affecting property within the reservation. This action by Congress is made necessary for the reason that there is no law of Oklahoma which provides for the recording of deeds, mortgages, or leases on real property within the Osage Reservation.

A law enacted on the 4th of March, 1905, authorized the laying out of certain towns within the Osage Reservation and provided for the sale of the lots in each of said towns. Under that act the towns of Pawhuska, Hominy, Gray Horse, Fairfax, Bigheart, and Foreaker have been laid out. The lots in the town of Pawhuska have been sold and the dates for the sale of lots in the other towns have been fixed. There will therefore be issued several thousand deeds which can not be recorded, and it is hoped, to meet this situation, that this bill will be acted upon speedily and favorably.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

PROVISIONS OF RECLAMATION ACT EXTENDED TO TEXAS.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 14184.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill, the title of which the Clerk will read, the bill having been read on a former day.

The Clerk read as follows:

A bill (H. R. 14184) to extend the irrigation act to the State of Texas.

Mr. LACEY. Mr. Speaker, reserving the right to object, I want to see if I can make some arrangement—

Mr. BONYNGE. Mr. Speaker, is it the purpose to try to pass this bill this evening?

Mr. LACEY. There is an agreement that we shall have time to debate this bill.

Mr. BONYNGE. How much time?

Mr. LACEY. That question is unsettled, but I think there should be an hour on a side.

Mr. BONYNGE. There should be at least that. If it is not intended to pass this bill now, I will not make any objection to calling it up.

Mr. SMITH of Texas. I do not propose to press this bill to a vote to-day.

Mr. LACEY. It might take more time, depending upon the nature of the discussion.

The SPEAKER. The Chair was informed by the gentleman from Texas and also by the gentleman from Iowa that if unanimous consent for the consideration of this bill was given at this time, that they would then assent, it then being in the nature of unfinished business, to its going over until another day.

Mr. LACEY. That is the understanding, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker, before that is done, is there to be debate on this question?

The SPEAKER. Not this evening; it will come up at a later day.

Mr. WILLIAMS. The understanding is, I believe, there is to be two hours' debate—an hour to a side.

Mr. KEIFER. When is that?

The SPEAKER. It is impossible to tell.

Mr. WILLIAMS. Whenever the unfinished business comes up under the rules of the House.

Mr. KEIFER. Well, I will not object now.

The SPEAKER. The Chair hears no objection.

EXPENSES ON ACCOUNT OF CERTAIN TREATY WITH SPAIN.

Mr. JENKINS. Mr. Speaker, I call up a privileged resolution, by direction of the Committee on the Judiciary.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Attorney-General is requested to inform the House of the name and date of appointment of every person appointed under the act of Congress entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898," approved March 2, 1901, the position held by each person, and the amount of compensation for each person by the hour, day, week, month, or year, and the amount of expenses in addition to compensation, if any.

The amendment recommended by the committee was read, as follows:

Amend by adding at the end of the resolution as follows: "And the total amount paid for salaries, compensation, and expenses from the 2d day of March, 1901, to the present time."

Mr. JENKINS. Mr. Speaker, I ask for a vote.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. JENKINS. Mr. Speaker, I desire to call up resolution No. 376.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury is requested to inform the House of the total amount paid by the United States on account of the act of Congress entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898," approved March 2, 1901, and the several acts amendatory thereof, for salaries, expenses, costs, compensation, and allowances of every kind and nature, and the amount allowed in favor of claimants and against the United States.

The amendment recommended by the committee was read, as follows:

Amend by striking out all of lines 10 and 11 and insert in lieu thereof: "Number and amount of claims allowed in favor of claimants and against the United States; and the number and amount of claims determined in favor of the United States; and the number and amount of claims now pending."

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. ADOLPH FORSTER, assistant secretary to the President of the United States.

CIRCUIT AND DISTRICT COURTS OF THE NORTHERN DISTRICT OF CALIFORNIA.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without approval, House bill No. 15521, for the reasons set forth in the following letter from the Acting Attorney-General:

"I have the honor to reply to your letter of March 22, 1906, inclos-

ing H. R. 'An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.' and asking to be advised whether I know of any objection to its approval.

"I regard as specially and highly objectionable the following part of the measure: 'Provided, however, That Humboldt County, Cal., shall furnish a suitable place in which to hold said court, free of all charges and expenses, until such time as the United States shall make provisions for a place in which to hold the same.'

"It appears to me that terms of courts should not depend upon whether some county will furnish gratuitously a place therefor. If such terms are unnecessary they should not be required, and if necessary should not depend upon the gratuitous action of any place.

"Eureka is an isolated place on the California coast, some 230 miles from San Francisco. Short lines of railroads lead out from it, but do not reach into any of the adjacent counties. It must, therefore, be approached either by sea or overland.

"Possibly it would be a convenience to the citizens of Humboldt, Del Norte, and Trinity counties in California if terms of the Federal courts were held at Eureka. But the amount of business originating in those counties is very small. I am advised that in those counties during the last two years there originated 16 suits (civil and criminal), and that out of 682 bankruptcy matters in the district court 25 originated in the three counties specified.

"The Federal courts at San Francisco are now crowded with work, and a new district judge seems necessary in order to keep the dockets clear.

"To establish terms of court at Eureka will impose a very considerable expense upon the Government and increase the labors of the judges, clerk, and district attorney.

"In view of all the facts, I do not think the public interest would be subserved by permitting the bill to become law."

THEODORE ROOSEVELT.

THE WHITE HOUSE, April 2, 1906.

Mr. JENKINS. Mr. Speaker, I move that the message and accompanying papers be referred to the Committee on the Judiciary.

The SPEAKER. Without objection, it is so ordered.

ROCK CREEK PARK.

By unanimous consent, reference of the bill (H. R. 6000) to rectify the boundary line of Rock Creek Park was changed from the Committee on the District of Columbia to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1345. An act to provide for the reorganization of the consular service of the United States.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 5954. An act to authorize the Secretary of the Treasury to issue duplicate gold certificate, in lieu of one lost, to Lincoln National Bank, of Lincoln, Ill.;

H. R. 14808. An act authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.;

H. R. 16671. An act permitting the building of a dam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich.; and

H. J. Res. 11. Joint resolution for the publication of eulogies delivered in Congress on Hon. JOHN W. CRANFORD, late a Representative in Congress.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LEGARE indefinitely, on account of illness.

Mr. PAYNE. I renew my motion, Mr. Speaker.

The SPEAKER. The gentleman from New York renews his motion to adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General submitting an estimate of appropriation for service of the Post-Office Department for 1906 and prior years—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of the General Land Office, papers relating to the private land claim of Isaac Crow, assignee of Vincent Michele—to the Committee on Private Land Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5018) to give a true military status to the Nebraska Territorial Militia, reported the same with amendment, accompanied by a report (No. 2814); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14513) to prevent the giving of false alarms of fires in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2817) which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5026) providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith, for life-saving purposes in the vicinity of the north Pacific coast of the United States, etc., reported the same with amendment, accompanied by a report (No. 2818); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEVIN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7065) to amend section 858 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 2819); which said bill and report were referred to the House Calendar.

Mr. THOMAS of North Carolina, from the Committee on the Library, to which was referred the bill of the House (H. R. 14581) to appropriate \$25,000 to inclose and beautify the grounds and repair the monument of Moores Creek battlefield, North Carolina, reported the same with amendment, accompanied by a report (No. 2820); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17202) granting an increase of pension to Benjamin H. Cool, reported the same with amendment, accompanied by a report (No. 2763); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15355) granting an increase of pension to George M. Daily, reported the same with amendment, accompanied by a report (No. 2764); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15783) granting an increase of pension to George W. Sutton, reported the same with amendment, accompanied by a report (No. 2765); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14198) granting an increase of pension to William T. Stewart, reported the same with amendment, accompanied by a report (No. 2766); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14200) granting an increase of pension to John K. Dalzell, reported the same with amendment, accompanied by a report (No. 2767); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12372) granting an increase of pension to J. Morgan Seabury, reported the same with amendment, accompanied by a report (No. 2768); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid

Pensions, to which was referred the bill of the House (H. R. 12304) granting an increase of pension to John McDonough, reported the same with amendment, accompanied by a report (No. 2769); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12010) granting an increase of pension to Louis Hoffmann, reported the same with amendment, accompanied by a report (No. 2770); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12813) granting an increase of pension to Reese Moore, reported the same with amendment, accompanied by a report (No. 2771); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8290) granting an increase of pension to Lloyd D. Bennett, reported the same with amendment, accompanied by a report (No. 2772); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8277) granting an increase of pension to Samuel S. Garst, reported the same without amendment, accompanied by a report (No. 2773); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7687) granting an increase of pension to Charles Hammond, reported the same with amendment, accompanied by a report (No. 2774); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10318) granting an increase of pension to Joseph H. Hollett, reported the same with amendment, accompanied by a report (No. 2775); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1018) granting an increase of pension to Silas Flourney, reported the same with amendment, accompanied by a report (No. 2776); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1138) granting an increase of pension to Joseph S. Rice, reported the same without amendment, accompanied by a report (No. 2777); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2173) granting an increase of pension to Thomas H. Padgett, reported the same without amendment, accompanied by a report (No. 2778); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12664) granting an increase of pension to William E. Wallace, reported the same with amendment, accompanied by a report (No. 2779); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13679) granting an increase of pension to Joseph Nobinger, reported the same without amendment, accompanied by a report (No. 2780); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17274) granting an increase of pension to Andrew J. Mosier, reported the same with amendment, accompanied by a report (No. 2781); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14374) granting an increase of pension to Benjamin B. Cahoon, reported the same with amendment, accompanied by a report (No. 2782); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14328) granting an increase of pension to Charles M. Mears, reported the same without amendment, accompanied by a report (No. 2783); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14994) granting an increase of pension to Daniel C. Joslyn, reported the same with amendment, accompanied by a report (No. 2784); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15500) granting an increase of pen-

sion to John W. Thomas, reported the same with amendment, accompanied by a report (No. 2785); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15201) granting an increase of pension to Edward O'Shea, reported the same with amendment, accompanied by a report (No. 2786); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13713) granting a pension to Allison W. Pollard, reported the same with amendment, accompanied by a report (No. 2787); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14996) granting an increase of pension to John F. Smith, reported the same with amendment, accompanied by a report (No. 2788); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15632) granting an increase of pension to Joseph B. Sanders, reported the same with amendment, accompanied by a report (No. 2789); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15064) granting an increase of pension to Jacob Wagenknecht, reported the same with amendment, accompanied by a report (No. 2790); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15229) granting an increase of pension to Edwin Howes, reported the same without amendment, accompanied by a report (No. 2791); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15943) granting an increase of pension to William D. Jones, reported the same without amendment, accompanied by a report (No. 2792); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17143) granting an increase of pension to William Taylor, reported the same with amendment, accompanied by a report (No. 2793); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17014) granting an increase of pension to Jackson D. Thornton, reported the same with amendment, accompanied by a report (No. 2794); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17070) granting an increase of pension to Thomas Blakney, reported the same with amendment, accompanied by a report (No. 2795); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9046) granting a pension to William Berry, reported the same with amendment, accompanied by a report (No. 2796); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14854) granting an increase of pension to Harriet Howard, reported the same with amendment, accompanied by a report (No. 2797); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14299) granting an increase of pension to Rose Vincent Mullin, reported the same with amendment, accompanied by a report (No. 2798); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15243) granting a pension to Artemesia T. Husblood, reported the same with amendment, accompanied by a report (No. 2799); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15682) granting a pension to Hannah M. Hayes, reported the same with amendment, accompanied by a report (No. 2800); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17205) granting a pension to Alice Garvey, reported the same without amend-

ment, accompanied by a report (No. 2801); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16491) granting an increase of pension to Lewis Denson, reported the same with amendment, accompanied by a report (No. 2802); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16173) granting a pension to Sarah Smith, reported the same with amendment, accompanied by a report (No. 2803); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17273) granting a pension to Mary B. Watson, reported the same with amendment, accompanied by a report (No. 2804); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1340) granting a pension to Robert Kennish, reported the same with amendment, accompanied by a report (No. 2805); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6238) granting an increase of pension to Jesse Woods, reported the same with amendment, accompanied by a report (No. 2806); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10250) granting an increase of pension to Ephraim Marble, reported the same with amendment, accompanied by a report (No. 2807); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7540) granting an increase of pension to William F. Griffith, reported the same with amendment, accompanied by a report (No. 2808); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8780) granting an increase of pension to Abraham M. Barr, reported the same with amendment, accompanied by a report (No. 2809); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8091) granting an increase of pension to John Coughlin, reported the same with amendment, accompanied by a report (No. 2810); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12480) granting an increase of pension to James McKenna, reported the same with amendment, accompanied by a report (No. 2811); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10924) granting an increase of pension to Thomas J. Sizer, reported the same with amendment, accompanied by a report (No. 2812); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12160) granting an increase of pension to Josephine D. McNary, reported the same with amendment, accompanied by a report (No. 2813); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 6961) for the relief of the heirs of Melvin B. Smith, reported the same adversely, accompanied by a report (No. 2815); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7562) for the relief of Adelaide E. Grant and Alice Adelaide Grant, reported the same adversely, accompanied by a report (No. 2816); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 17658),

to transfer the jurisdiction of the Spanish Treaty Claims Commission to the Court of Claims—to the Committee on the Judiciary.

By Mr. WEEKS: A bill (H. R. 17659) to establish a board of visitors at the Naval Academy and to define its duties—to the Committee on Naval Affairs.

By Mr. GRAFF: A bill (H. R. 17660) to acquire certain ground in Hall and Elvan's subdivision of Meridian Hill for a Government reservation—to the Committee on Public Building and Grounds.

By Mr. COOPER of Wisconsin: A bill (H. R. 17661) providing that the inhabitants of Porto Rico shall be citizens of the United States—to the Committee on Insular Affairs.

By Mr. MACON: A bill (H. R. 17662) to authorize the Tyrone Central Railroad Company to construct a bridge across Little River, in the State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER: A bill (H. R. 17663) to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle—to the Committee on Naval Affairs.

By Mr. BIRDSALL: A bill (H. R. 17664) creating the Department of Printing and Publication—to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 17665) to authorize the sale and disposition of surplus or unallotted lands of the Coeur d'Alene Indian Reservation, in the State of Idaho, and for other purposes—to the Committee on Indian Affairs.

By Mr. WM. ALDEN SMITH (by request): A bill (H. R. 17666) for the construction of a sewer from Wisconsin avenue to Rock Creek—to the Committee on the District of Columbia.

By Mr. FITZGERALD: A memorial from the legislature of the State of New York, proposing an amendment to the Constitution of the United States prohibiting polygamy—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 17667) to confer jurisdiction upon the Court of Claims to hear and determine the claim of James F. Rothwell and Richard Rothwell against the United States—to the Committee on Claims.

By Mr. BEDE: A bill (H. R. 17668) to remove restrictions on alienation in Indian certificate No. 3022, issued to Peter J. Default, a Chippewa Indian, and granting a title in fee simple to the real estate described in said allotment certificate—to the Committee on Indian Affairs.

By Mr. BOWERSOCK: A bill (H. R. 17669) granting an increase of pension to C. P. Lee—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 17670) for the relief of Gustav A. Hesselberger—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 17671) granting a pension to Sarah A. Thompson—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 17672) granting an increase of pension to Elias Shaffer—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 17673) granting an increase of pension to Jacob H. Heck—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 17674) granting an increase of pension to John E. Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17675) granting an increase of pension to Jonas M. Sees—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 17676) to correct the military record of Simon W. Larkin—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 17677) to amend the discharge certificate of Lemuel Friend—to the Committee on Naval Affairs.

By Mr. GOULDEN: A bill (H. R. 17678) granting an increase of pension to Alexander Moore—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 17679) granting an increase of pension to Alexander Eckel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17680) granting an increase of pension to Robert H. Gray—to the Committee on Invalid Pensions.

By Mr. HAY (by request): A bill (H. R. 17681) granting a

pension to Lottie A. Dunn—to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 17682) for the relief of Mrs. E. J. Martin, postmaster at Mount Olive, Coosa County, Ala.—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 17683) granting an increase of pension to John Hoch—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 17684) granting an increase of pension to Joseph M. Hays—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 17685) granting a pension to Jackson Pfeisterer—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 17686) granting an increase of pension to Helen M. Harrison—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 17687) granting a pension to Theophilus Snyder—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 17688) granting relief to Thomas F. Walter—to the Committee on Military Affairs.

Also, a bill (H. R. 17689) granting an increase of pension to Rosa D. Mayhew—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 17690) granting a pension to Ellen E. Leary—to the Committee on Invalid Pensions.

By Mr. MOORE: A bill (H. R. 17691) granting an increase of pension to George W. Henrie—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 17692) granting an increase of pension to Louis G. Neal—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 17693) granting a pension to David Parrott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17694) granting a pension to Lydia Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17695) granting a pension to Maria Gunckel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17696) granting an increase of pension to John Lafferty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17697) granting an increase of pension to Jesse N. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17698) granting an increase of pension to David Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17699) granting a pension to Thomas Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17700) granting an increase of pension to A. T. Mitchell—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 17701) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States—to the Committee on Claims.

By Mr. SCROGGY: A bill (H. R. 17702) granting a pension to Daniel E. Bavis—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 17703) for the relief of Mrs. M. E. Ezell, feme sole and only heir at law of Eli Splawn, deceased, of Clarksville, Tex.—to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 17704) granting an increase of pension to John W. Lains—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 17705) granting an increase of pensions to John A. Lovens—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17706) granting an increase of pension to William Highfield—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 17707) for the relief of Mary E. Bronaugh—to the Committee on Pensions.

By Mr. TYNDALL: A bill (H. R. 17708) granting a pension to John McGrath—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 17709) granting a pension to Mathew Micum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17710) for the relief of the heirs of J. A. Hollis, deceased—to the Committee on War Claims.

By Mr. WHARTON: A bill (H. R. 17711) granting an increase of pension to John Dietz—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 17712) granting an increase of pension to Frank J. Biederman—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 2943) for the relief of James L. Carpenter, and it was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the National Art Club, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Petition of the Germania Refining Company, of Oil City, Pa., for greater power to be vested in the Interstate Commerce Commission relative to railway rates (previously referred to the Committee on the Merchant Marine and Fisheries)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry A. Dreer, of Philadelphia, Pa., against free distribution of seeds—to the Committee on Agriculture.

By Mr. BARTLETT: Petition of A. R. Lawton and Otis Ashmore, a committee on behalf of the Georgia Historical Society, for the preservation of the United States frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of B. T. Adams & Co., B. B. Ford & Co., Sam Mayer, Heard Brothers, and 15 others, cotton merchants of Macon, Ga., for a regulation prohibiting railways from engaging in the separate compress and warehouse business—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Georgia State Federation of Women's Clubs and Mrs. A. D. Granger, general secretary for Georgia, for a child-labor law and a compulsory-education law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BEIDLER: Petition of citizens of Spencer, Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOWERSOCK: Petition of citizens of Kansas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: Petition of citizens of Nekoosa, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the General Federation of Women's Clubs; V. S. Wood, of Dell Rapids, S. Dak., and Dollie P. Cooper, of Whitewood, S. Dak., for investigation of the industrial conditions of women—to the Committee on Appropriations.

By Mr. BURLEIGH: Paper to accompany bill for relief of George G. Spurr, jr.—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Petition of the Turnbull Wagon Company, for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

Also, petition of 800,000 residents of Oklahoma for bill H. R. 13675—to the Committee on the Territories.

Also, petition of citizens of Ohio, for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

By Mr. CHANEY: Petition of Frank Bastin, John J. Tuite, and F. N. Muentzer, of Vincennes, Ind., for bill H. R. 7067—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of ladies of the Twentieth Century Club and ladies of the Afternoon Club, for investigation of industrial conditions of women in the United States—to the Committee on Appropriations.

By Mr. COOPER of Wisconsin: Petition of Wendelin Dagenbach, of Kenosha, Wis., against the bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Baker Manufacturing Company, Evansville, Wis., for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

Also, petition of Division No. 1, Ancient Order of Hibernians, of Milwaukee, for a monument to Commodore John Barry—to the Committee on the Library.

By Mr. CURTIS: Petition of certain citizens of Oklahoma, for statehood—to the Committee on the Territories.

By Mr. DALE: Petition of the National Wholesale Dealers' Association; Stetson & Winsmore, ship brokers and commission merchants, of Philadelphia; Charles T. Magee & Co., ship brokers and vessel agents, of Philadelphia; John L. Nicholson, president of Vessel Owners and Captains' Association, of Philadelphia; Thomas Winsmore, grocer and ship chandler, of Philadelphia, and Haldt & Cummins, ship brokers and commission merchants, of Philadelphia, favoring the passage of bills S. 30 and H. R. 5281, providing for the removal of discriminations

against American sailing vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the faculty of Bryn Mawr College, Bryn Mawr, Pa., and of the Free Art League of Boston, Mass., favoring the passage of bill H. R. 15268, to amend chapter 11 of the laws of 1897, "An act to provide revenues for the Government, and to encourage the industries of the United States"—to the Committee on Ways and Means.

Also, petition of Dunmore Council, No. 1022, Junior Order United American Mechanics, of Dunmore, Pa., and of Washington Camp, No. 200, Patriotic Order Sons of America, of Corbendale, Pa., favoring the passage of bill H. R. 15442, providing for the establishment of a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States—to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp, No. 492, Patriotic Order Sons of America, of Taylor, Pa., and of Laurel Lodge, No. 711, of the Brotherhood of Railroad Trainmen, of Scranton, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. E. Griffith, for the Carbondale Medical Society, of Carbondale, Pa., and of the Retail Merchants' Association of Pennsylvania, favoring the passage of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Caddo Statehood Club, of Indian Territory, favoring passage of the statehood bill as amended by the Senate—to the Committee on the Territories.

Also, petition of the Union Ex-Prisoners of War Association of Allegany County, N. Y., favoring passage of bill H. R. 9, authorizing the granting of pensions to soldiers and sailors confined in so-called "Confederate prisons"—to the Committee on Invalid Pensions.

Also, petition of the American Protective Tariff League, of New York, N. Y., against the passage of bill H. R. 15267, providing for simplifying the laws in relation to the collection of the revenues—to the Committee on Ways and Means.

Also, petition of George Clark, of Scranton, Pa., and Henry A. Dreer, of Philadelphia, against free distribution of seeds—to the Committee on Agriculture.

Also, petition of the National Board of Trade, favoring the passage of a forest-reservation law—to the Committee on Agriculture.

Also, petition of Miss Florence Keen, of Philadelphia, favoring investigation of conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the H. K. Mulford Company, chemists, of Philadelphia, favoring an amendment to bill S. 88, to clearly define the term "poisonous substances"—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Allied Board of Trade, of Brooklyn, N. Y., in favor of the construction of the battle ship *Connecticut* and the collier *Erie* at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, resolution of the Scranton Board of Trade, of Scranton, Pa., favoring the passage of bill H. R. 9754, providing for the increase of the efficiency of the postal service in post-offices of the first and second class—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Typothetæ of New York City, against passage of the so-called anti-injunction bills—to the Committee on the Judiciary.

By Mr. DICKSON of Illinois: Petition of citizens of Illinois, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ESCH: Petition of the Ancient Order of Hibernians, Division No. 1, of Milwaukee, for a statue of Commodore John Barry—to the Committee on the Library.

Also, petition of the Milwaukee Association of Credit Men, for continuance of the bankruptcy bill—to the Committee on the Judiciary.

By Mr. FLOOD: Petition of New Hope (Va.) Council, No. 15, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of Columbia Council, No. 8, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Hannah Dustin Club and the Elizabeth H. Whittier Club, of Haverhill, Mass., for investigation of the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. GILLET of Massachusetts: Petition of New Brain-

tree (Mass.) Grange, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of the State Charities Aid Association, for the pure food and drug bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Grand Army Journal, of New York, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of William Adelsperger, for bill H. R. 9 (the Dalzell bill)—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: Petition of the Current Events Club, of Bethel, Conn., for an investigation of the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. HOAR: Petition of Ashburnham Grange, Patrons of Husbandry, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Monmouth Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., for bill S. 29—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Abner Doble Company, of San Francisco, Cal., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. KNAPP: Petition of the Oswego Preserving Company, for an amendment to pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Paper to accompany bill for relief of John C. Lindsay—to the Committee on Invalid Pensions.

Also, petition of F. M. Lawrence, against present unjust pilotage laws and for Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: Petition of citizens of Maine, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Maine, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MCKINNEY: Petition of citizens of Illinois, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. McNARY: Paper to accompany bill for relief of Edwin W. Rand—to the Committee on Pensions.

By Mr. MILLER: Petition of citizens of Kansas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Illinois, against the condition of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MOUSER: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. OTJEN: Petition of the Ancient Order of Hibernians, Division No. 1, of Milwaukee, Wis., for a monument to Commodore Barry—to the Committee on the Library.

By Mr. OVERSTREET: Petition of the Sattley Stacker Company, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the Tippecanoe County Medical Society, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of citizens of Wilkes-Barre, Pa., for bill H. R. 3022—to the Committee on the District of Columbia.

By Mr. PRINCE: Petition of G. D. Dewitt et al., of Lynn Center, Henry County, Ill., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RHODES: Petition of E. Miller et al., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. RUPPERT: Petition of the National Wholesale Lumber Dealers' Association, for the pilotage bills—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the legislature of the State of New York, for a convention to adopt an amendment to the Constitution to prohibit polygamy in the United States—to the Committee on the Judiciary.

Also, petition of the Horticultural Society of New York, against free seed distribution—to the Committee on Agriculture.

Also petition of the Commercial Travelers' Mutual Accident Association of America, for an amendment to the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Allied Board of Trade of Brooklyn, N. Y., for battle-ship construction at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of the Typothetae of New York City, against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the Iowa Retail Clothiers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SAMUEL: Petition of the Montour County Medical Society, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI: Petition of the American Bankers' Association, for the bill relating to bills of lading—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Paper to accompany bill for relief of M. E. Ezell, heir of Eli Splawn—to the Committee on War Claims.

By Mr. SHERMAN: Petition of Guiding Star Council, No. 29, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of C. H. Childs, of Utica, N. Y., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of the New Century Club, of Utica, N. Y., for investigation of the industrial condition of women—to the Committee on the Census.

By Mr. SOUTHWICK: Petition of the First Reformed Church of Albany, N. Y., against the administration of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. SPERRY: Paper to accompany bill for relief of Enos Munson—to the Committee on Claims.

Also, petition of the Literary Club, to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. SULLIVAN of New York: Petition of the Merchant Marine League, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Sherman-Brown Clements Company, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of Abendroth Brothers, for the Williams-Mallory bill relative to quarantine control—to the Committee on Interstate and Foreign Commerce.

Also, petition of the North Carolina Pine Association, of Norfolk, Va., against the metric-system bill—to the Committee on Coinage, Weights, and Measures.

Also, petition of the New York Produce Exchange, against tonnage dues and for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Dayton Manufacturing Company, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the New York Market Gardeners' Association, against free seed distribution—to the Committee on Agriculture.

Also, petition of Lathrop Lyon, for bills H. R. 4432 and 6001—to the Committee on Military Affairs.

Also, petition of Wilcox & Gibbs, of New York, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of E. D. Blackman and 39 others, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Robert S. Waddell, against the powder monopoly—to the Committee on Naval Affairs.

Also, petition of the Leviathan Belting Company, against a compulsory metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Horticultural Society of New York, against free seed distribution—to the Committee on Agriculture.

Also, petition of the National Metal Trades Association, against bill H. R. 8988—to the Committee on Coinage, Weights, and Measures.

By Mr. TAYLOR of Alabama: Petition of citizens of Mobile County, Ala., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. VAN WINKLE: Petition of citizens of the Ninth Congressional district of New Jersey, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WADSWORTH: Petition of the Warsaw-Wilkinson Company, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: Petition of the Montgomery (Ala.) Times, for wood pulp free of duty—to the Committee on Ways and Means.

Also, petition of the Almore Spectrum, against Government printing names and addresses on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD of New Jersey: Petitions of citizens of Flemington, Trenton, Hopewell, and Boundbrook, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, April 3, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.
The Journal of yesterday's proceedings was read and approved.

MAIL SERVICE IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, calling attention to the passage by the House of Representatives of the bill (H. R. 11976) for the relief of the Campaña de los Ferrocarriles de Puerto Rico, appropriating \$13,694.45 for compensation for mail service performed in Porto Rico during the period of military occupation in the years 1898, 1899, 1900, 1901, and 1902, etc., and suggesting that inasmuch as this company has a judgment for \$11,509.54, the House bill be amended by the Senate to carry only the difference between such amount and the original sum found to be due, \$13,694.45—that is, \$2,184.91, etc.; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

TITLE TO LANDS IN LOUISIANA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, with accompanying papers, relative to the private land claim of Isaac Crow, assignee of Vincent Michele, situated in what was known as neutral territory between Rio Hondo and the Sabine River, etc., together with the draft of a bill to confirm titles to certain lands in the State of Louisiana and to restore other lands to settlement and entry; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4111) to authorize the Chief of Ordnance, United States Army, to receive four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 5276. An act relating to appointments to the Naval Academy, and for other purposes;

H. R. 10501. An act to incorporate the National Educational Association of the United States;

H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations therefor;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;" and

H. R. 17220. An act providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1345) to provide for the reorganization of the consular service of the United States; and it was thereupon signed by the Vice-President.

RAILWAY COAL MONOPOLY.

Mr. TILLMAN. Mr. President, I send to the desk and ask to have read a letter. It is along the line of the information in

regard to the railroad situation, and another flashlight on a different phase of it.

The VICE-PRESIDENT. Is there objection to the reading of the letter as requested by the Senator from South Carolina? If not, the Secretary will read.

Mr. HALE. I do not object, but I think the Senator has "got even."

Mr. TILLMAN. I am not actuated by any malice at all in this matter; I am not trying to "get even;" but it was such a valuable idea, that had not occurred to me, I feel I ought to follow it up at least for a few days longer. This letter relates to an entirely new phase of the subject. It goes to the other end of the coal monopoly.

Mr. KEAN. Why not put it in when the rate bill is up?

Mr. TILLMAN. It is in the nature of a petition or memorial. The VICE-PRESIDENT. Is there objection to the reading of the letter?

Mr. HALE. I am not going to object, but the Senator is a veteran here now, and I think he will see that if letters which are sent to Senators are presented, although they may, in effect, be petitions, any Senator, a dozen Senators, may have letters in his morning mail and may ask that they be read from the desk, and it encumbers our proceedings. They will come in naturally as a part of the debate. I only make this suggestion to the Senator in good faith.

Mr. TILLMAN. This is a short one, and I hope the Senator will let it go along. It may be that I will take his kind admonitions. I will at least consider them very seriously.

Mr. HALE. I guess we had better compromise on that and let the letter be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows.

BALLSTON SPA, N. Y., March 29, 1906.

Senator TILLMAN, Washington, D. C.

HONORED AND DEAR SIR: I appeal to you for sympathy and help.

My case is this: For over twelve years I have made a comfortable living for myself, invalid wife, and our children, now four in number, all in school, at the retail coal business.

The D. & H. Railroad Company, from whom I have bought all my anthracite coal, has of late been playing "the dog in the manger." They claim that they can not fill my orders. Now it is shortage of cars, then shortage of coal. In either case I don't get the coal.

But this is not all, for they will not have any other company send me coal on their account, nor will they allow any other company to ship coal to me over their lines. Their attitude is, Take what we give you and then go without—a method that is death on my business.

Strange, but not strange, they seem to have both coal and cars enough to keep their imported man, who during the past summer and winter built for them a large coal pocket in our town, supplied with coal, so he can take care of both his and our customers.

Once more, their imported man has cut the price of coal to 5 cents a ton less than cost, which is 60 cents a ton less than in the neighboring cities of Albany, Troy, and Schenectady.

In these two ways, then, the D. & H. is trying to kill off the old dealers in town—cutting price and cutting the supply. We appeal to you and ask you to use your influence to prevent them from accomplishing their purpose.

The D. & H. claim the right to retail their own coal. Now, if they have this right, then sooner or later they will get to using that right. When that time comes, then out go all the dealers along the line of their roads. Have they such a right? If so, then the many must suffer at the hands of the few; the people at the hands of the monopoly.

Will you please do what you can to protect us so we may go and make an honorable living?

Oblige, yours, truly,

C. W. EEDS.

The VICE-PRESIDENT. The letter will lie on the table.

Mr. TILLMAN. Now, will the Senator from Maine permit me just one minute?

Mr. HALE. Certainly.

Mr. TILLMAN. This is like the voice of a child in the night, to use Tennyson's simile; it is like—

An infant crying in the night;
An infant crying for the light,
And with no language but a cry.

You find there this condition. This railroad is one of the five which monopolize absolutely the anthracite coal production and traffic in the United States. They are not satisfied with monopolizing the coal supply and transportation, but they now engage in the business of retailing it.

That is all. I merely wanted to emphasize what this man has appealed to us to try to stop.

PUNISHMENT FOR HAZING AT NAVAL ACADEMY.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two houses on the amendment of the House to the bill (S. 3899) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy, having met, after full and free